

## SHORELINE MASTER PROGRAM GUIDANCE FOR LOCAL GOVERNMENT

# Using the optional joint review process for amending Shoreline Master Programs per WAC 173-26-104

## Introduction

This is a step-by-step guide for city or county planners amending their Shoreline Master Program (SMP) using the optional joint review process authorized under [WAC 173-26-104](#).

The joint review process consolidates the local and state public comment periods, speeding up the approval process. The joint review process can be used for any locally initiated SMP Amendments or for the scheduled Periodic Reviews required under RCW 90.58.080(4).

Local governments completing their one-time comprehensive updates under RCW 90.58.080(2) must follow the standard two-step approval process, which includes a separate state comment period after local adoption.

Involve your Ecology planner as you draft amendments. It is especially crucial to coordinate on the timing of the joint local/state public comment period to ensure the public has a clear understanding of when and how to comment on proposed amendments and to avoid procedural errors.

## Step 1. Draft proposed revisions and engage the public

1. Begin public engagement as outlined in your Public Participation Plan. The level of public involvement will vary according to the level of complexity, anticipated controversy, and range of issues anticipated to be covered in the SMP amendment.
2. Notify your Ecology Regional Planner of your intent to use the optional joint review process. This can be done via email and should include a proposed work plan or adoption schedule.
3. Make all reasonable effort to consult with and solicit comments of any persons; groups; federal, state, regional, or local agencies; adjacent local governments; and tribes having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. Maintain a list of interested parties over the amendment process to use for the public notice and as required for final submittal. Keep Ecology informed of your outreach efforts.

### FIVE STEPS TO A SUCCESSFUL JOINT REVIEW

1. Draft your SMP and engage the public
2. Conduct joint comment period
3. Get initial determination of consistency from Ecology
4. Adopt SMP locally
5. Submit final SMP to Ecology

Coordinate closely with your [Ecology regional planner](#) for best results.

Visit [Ecology's Shoreline Planner Toolbox](#) for more information.

## Step 2. Plan and conduct joint public comment period with Ecology

1. Notify Department of Commerce of your intent to adopt shoreline policies or regulations.
2. Begin SEPA process.
3. Coordinate with Ecology on dates for 30-day joint comment period and hearing date/time.
4. Post proposed SMP amendment materials on your website. Include:
  - a. Strikethrough text.
  - b. A map of any proposed designation changes.
  - c. A summary of proposed amendments, together with explanatory text indicating the scope and intent of the proposal.
  - d. A copy of the Ecology checklist.
  - e. Other supporting material indicating how the proposed amendment is consistent with the policy of RCW 90.58.020 and applicable guidelines.
  - f. Where to send comments (local planner's email and mailing address).
  - g. Location where hard copy of proposed amendments will be available for public viewing during the comment period.
5. At least two weeks prior to the start of the comment period, send Ecology a live link to your SMP amendment web page, including items outlined above.
6. Provide notice of the 30-day comment period and opportunity for written comment to all parties of record who expressed interest regarding the proposal. See Appendix A for sample template.
7. Publish notice of the joint local-state hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. See Appendix B for a sample template. The notice must include:
  - a. Reference to local authority to amend under the SMA.
  - b. Date, time, and location of the hearing.
  - c. Statement or summary of proposed changes.
  - d. Reference to where the draft proposal is available for review (web page and physical address).
8. Conduct public hearing. Ecology staff will attend as long as schedules allow. Local government takes the lead role in these proceedings; however, See Appendix C for a list of our suggestions for running an effective joint local-state public hearing:
9. Within 30 days of the close of the comment period, prepare a response to public comments and identify any changes proposed in that response. If it will take longer than 30 days contact your Ecology regional planner.

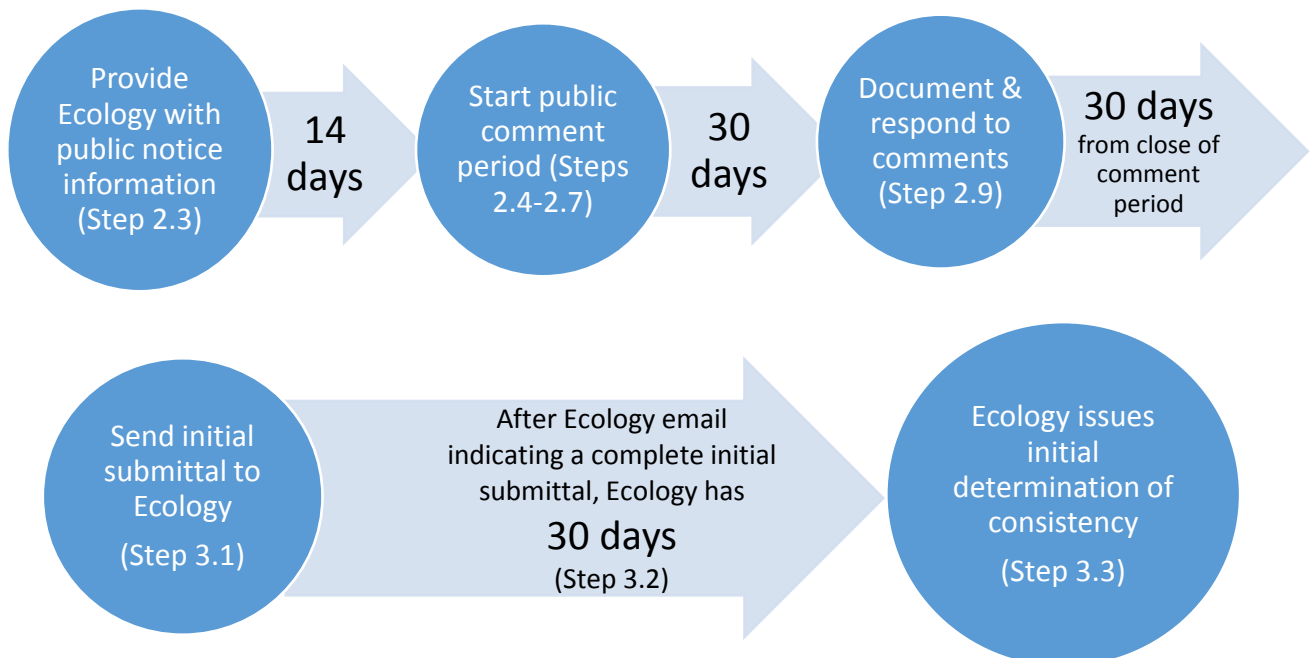


## Step 3. Get initial determination of consistency from Ecology

1. Send Ecology your proposed SMP amendments with the following:
  - a. Comments received during comment period.
  - b. Your responses to comments.
  - c. Any modification to the amendment that resulted from public comment.
  - d. Current text and map amendments.
  - e. Supporting findings of consistency of the proposed amendments with the policy of RCW 90.58.020 and applicable guidelines of WAC 173-26.
2. Ecology will first send you an email letting you know whether the initial submittal is complete.
3. Then Ecology will send you an initial determination of consistency within 30 days of complete submittal. Ecology may request an additional 15 days. Ecology will provide either:
  - a. A written statement of initial concurrence, or
  - b. A written statement describing the specific areas of concern. This could include required and/or recommended changes.



### Key timeline considerations by step before local adoption of SMP amendments



#### Step 4. Adopt SMP Amendments locally

1. After receiving the initial determination from the department, consider Ecology's initial determination of consistency, including any required or recommended changes.
2. Make any necessary modifications.
3. Adopt the amendment through ordinance following required local adoption process.

#### Step 5. Submit Final SMP Amendment to Ecology for formal action

1. Submit for final agency approval as outlined in WAC [173-26-110](#). See Appendix D for SMP submittal requirements worksheet.

## APPENDIX A - EMAIL NOTICE TEMPLATES FOR START OF JOINT LOCAL-STATE PUBLIC COMMENT PERIOD

*These are examples of email notices for SMP amendments using the optional joint review process under WAC 173-26-104. The joint review process requires a public comment period of at least thirty days and at least one public hearing.*

### For Locally Initiated SMP Amendments

**Subject:** [City/County] Shoreline Master Program Amendment Joint Local-State Public Comment Period – [date] to [date] at 5 p.m.

The [City/County] and Washington Department of Ecology are seeking comments on proposed amendments to the [City/County] Shoreline Master Program. The joint local/state public comment period will run from [date] through [date, at 5pm].

The [City/County] has prepared draft amendments to [provide a brief summary of the scope and intent of the proposed amendments].

### For Periodic Review SMP Amendments

**Subject:** [name of local government] Shoreline Master Program Periodic Review Amendment Joint Local-State Public Comment Period – [date] to [date] at 5 p.m.

The [name of local government] and Washington State Department of Ecology (Ecology) are seeking comments on the [City's/County's] Shoreline Master Program (SMP) periodic review and proposed SMP amendments. The joint local/state public comment period will run from [date] through [date, at 5 p.m.].

Authority for the periodic review is based on Washington's Shoreline Management Act (Ch. 90.58 RCW) and related rules. These amendments were developed by the [City/County] to comply with [WAC 173-26-090](#), which requires all local governments to review their SMPs on an eight-year schedule set in state law, and revise it if necessary. The review ensures the SMP keeps up with changes in state law, changes in other [City/County] plans and regulations, and other changed circumstances. The [City/County] has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the [City/County] will be reviewed by both the [City/County] and Ecology. There is no need to send comments directly to Ecology.

### For all SMP Amendments

**Comments may be submitted to:** [local government email address and physical mailing address]

**Comments can also be made in person during the public hearing noted below.**

**Joint Public Hearing is to be held [date], at [time] and [location]**

**Comments are due by [date] at 5:00 p.m.**

**Documents are available for review at:** [Website] and [Physical local government location]

At the conclusion of the comment period, the [City/County] will prepare a response to comments and determine whether changes are needed. Public comments and [City/County] responses will be shared with Ecology. After local adoption, the SMP amendment will be formally submitted to Ecology for final action per [WAC 173-26-104](#) and [WAC 173-26-110](#). Ecology will review amendments for consistency with state laws and rules. Ecology may either approve the program as adopted, or may recommend changes.

## APPENDIX B - PUBLICATION NOTICE FOR JOINT LOCAL-STATE PUBLIC COMMENT PERIOD AND HEARING

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### For Locally Initiated SMP Amendments

*This is an example of a public notice for a locally initiated SMP amendment occurring outside the periodic review or comprehensive update cycle using the optional joint review process under WAC 173-26-104. The joint review process requires a public comment period of at least thirty days and at least one public hearing.*

#### **[Name of local government] and Department of Ecology**

Shoreline Master Program Amendment Public Comment Period and Public Hearing.

The [name of local government] and Washington Department of Ecology are seeking comments on proposed amendments to the [City's/County's] shoreline master program (SMP). The [City/County] has prepared draft amendments to [provide a brief summary of the scope and intent of the proposed amendments]. The joint local-state public comment period will run from [date] through [date, at 5pm]. A joint local-state public hearing is set for [date and time] at the [location]. Send comments to [City/County] staff member [name] at [address, email]. Comments sent to the [City/County] will be forwarded to the Department of Ecology. Proposed amendments to the [City/County] SMP are available for review at [insert local government website] and the [City/County Planning Department] at [insert physical address].

### For Periodic Review SMP Amendments

*This is an example of a public notice for a periodic review under WAC 173-26-090, where the jurisdiction is adopting amendments and is using the optional joint review process under WAC 173-26-104. Ecology rules require publishing a notice per WAC 173-26-090(2)(c)(i). The joint review process requires a public comment period of at least thirty days and at least one public hearing.*

#### **[Name of local government] and Department of Ecology**

Shoreline Master Program Periodic Review Public Comment Period and Public Hearing

The [name of local government] and Washington Department of Ecology are accepting comments on a periodic review of the [City's/County's] shoreline master program (SMP) under RCW 90.58.080(4). The [City/County] has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other [City/County] plans and regulations, and other changed local circumstances.

Public comments will be accepted from [date] to [date] at 5 p.m. A joint local-state public hearing is set for [date and time] at the [location]. Send comments to [City/County] staff member [name] at [address, email]. Comments sent to the [City/County] will be forwarded to the Department of Ecology.

Proposed amendments to the [City/County] SMP are available for review at [insert local government website] and the [City/County Planning Department] at [insert physical address].

## APPENDIX C — SUGGESTIONS FOR RUNNING AND EFFECTIVE JOINT LOCAL-STATE PUBLIC HEARING

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### 1. Start off with a reminder of the authorities for this amendment.

For all SMP amendments, reference the SMA and the guidelines of WAC 173-26

For periodic reviews, specifically reference WAC 173-26-090(2), including the requirement that the review:

- i. Ensures compliance with the requirements of the SMA or state rules that have been added or modified since the last SMP update.
- ii. Ensures the SMP remains consistent with amended comprehensive plans and regulations
- iii. Incorporates amendments deemed necessary to reflect changed circumstances, new information, or improved data.

### 2. Refer to the scope and intent of the proposed amendment and Ecology's review criteria found in WAC 173-26-201(1)(c) to ensure the proposed amendment:

- i. Will not foster uncoordinated and piecemeal development of the state's shorelines.
- ii. Is consistent with all applicable policies and standards of the SMA.
- iii. Meets all procedural rule requirements for public notice and consultation.
- iv. Satisfies master program guidelines analytical requirements and substantive standards, including that the amendment will not result in a net loss of shoreline ecological functions.

### 3. Clarify that the public hearing is only one of the ways the public can provide comments on the proposed SMP amendments.

Restate the start and end of the 30-day comment period and provide email and mailing addresses for additional written comments.

### 4. Explain that this public hearing is an opportunity to provide testimony on the record for this amendment.

Ecology staff and local government staff will not be responding to comments or questions during the hearing. Instead we will consider comments received, and the local government will prepare a response to comments as part of the formal amendment package that you will submit to Ecology. Other opportunities for Q&A can occur outside of the hearing itself.

### 5. Remind people to sign in with appropriate contact information so they can be added to the interested parties list and stay informed as the amendment proceeds.



APPENDIX D - SHORELINE MASTER PROGRAM AMENDMENT SUBMITTAL REQUIREMENTS WORKSHEET

This worksheet is for use by counties, cities, and towns proposing to amend SMPs under the Shoreline Management Act. The worksheet will help ensure proposed amendments are accompanied by a “complete submittal” under [WAC 173-26-110](#). The submittal shall include the following where applicable:

Submittal requirements (see WAC 173-26-110)	Notes
1. <b>Signed Ordinance or Resolution.</b> This documents local approval.	
2. <b>Amended SMP text.</b> Use <del>striketrough</del> / <u>underscore</u> or other means to clearly identify changes. ( <i>Preferred format: MS Word or compatible software.</i> )	
3. <b>Amended environment designation map(s).</b> Show existing and proposed designations. Include justification for changes.	
4. <b>Summary of proposed amendments.</b> Indicate the scope and intent of the proposal, documenting the need for changes to the master program. This will ensure Ecology has adequate information to determine whether amendments are consistent with the policy of the SMA and applicable rules. Include applicable staff reports, records of the hearing, or other materials supporting the proposal.	
5. <b>SEPA documents.</b> Include environmental checklist, threshold determination, and notification list.	
6. <b>Evidence of public notice and consultation.</b> See requirements of WAC 173-26-100. At minimum include GMA notice documentation and legal notices related to public hearings.	
7. <b>Copies of all written comments received, or where no comments have been received, a comment to that effect.</b> Include: <ul style="list-style-type: none"> <li>- Interested parties list.</li> <li>- Names and email (<i>preferred</i>) or street address of people who commented, testified, or indicated they wanted to be notified during the amendment process. This will be used for the notice of the comment period and/or for final notice of state adoption.</li> </ul> <i>(Preferred software is MS Word or Excel. Adobe PDF is not preferred.)</i>	
8. <b>Summary of amendments made in response to comments.</b>	
9. <b>Checklist.</b> Specialized checklists are required for “comprehensive updates” and “periodic review” amendments. <sup>1</sup>	

<sup>1</sup> “Comprehensive updates” are the one-time revisions required by RCW 90.58.080(2); “Periodic reviews” are the scheduled reviews required under RCW 90.58.080(4)