



SHORELINE MANAGEMENT PROGRAM FREQUENTLY ASKED QUESTIONS

WHAT IS A SHORELINE MANAGEMENT ACT (SMA)?

The state's Shoreline Management Act ("the Act" or "the SMA") is the law that requires cities and counties to establish Shoreline Master Programs. The SMA was approved by the Legislature in 1971 and overwhelmingly approved by public initiative in 1972. Under the SMA, each county and city that plans under the Growth Management Act (RCW 36.70A) is required to prepare a shoreline master program in accordance with shoreline guidelines issued by the Washington State Department of Ecology. The SMA has an overarching goal to "prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

WHAT IS A SHORELINE MASTER PROGRAM (SMP)?

A Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:

- Encourages reasonable and appropriate development of shorelines with an emphasis on water dependent uses, which when developed are consistent with the control of pollution and prevention of damage to the natural environment, such as docks, marinas, and recreational facilities, or industries and commercial uses that require a shoreline location and support economic development; and,
- Protects the natural resources and character of the shorelines, the land, vegetation, wildlife, water, and aquatic life within shoreline environment; and,
- Promotes public access and provides opportunities to enjoy the aesthetic qualities of the natural shorelines and recreational activities in shoreline areas.

WHERE DOES THIS APPLY?

"Shorelines of the state" include rivers and streams with mean annual flow more than 20 cubic feet per second (cfs), lakes 20 acres or larger, and all marine shorelines. The City of Sequim's shoreline jurisdiction includes all the submerged lands from the mid-channel to the adjacent shorelands located within 200 feet of the ordinary high-water mark (OHWM). The City does not have any streams or rivers that meet the 20 cfs requirement, though the portion of Johnson Creek tidally influenced by Sequim Bay falls within the shoreline jurisdiction. The City's shoreline jurisdiction also includes shorelines of statewide significance, which are those submerged lands extending from extreme low tide to mid-channel. One associated wetland falls within the City's shoreline jurisdiction.

The wetland commonly known as Pitship Marsh is within 200 feet of the OHWM and hydrologically connected to Sequim Bay; as such, the entire wetland falls within the City's shoreline jurisdiction. Similarly, the wetland in Washington Harbor along the inner portion of South Spit near PNNL/Battelle is an associated wetland but is not yet within the City's jurisdiction because it lies within the City's Urban Growth Area (UGA). The City's regulations have no effect in the UGA until annexed into the City. See the current shoreline map [here](#).

WHAT IS A PERIODIC UPDATE OF THE SMP?

The City of Sequim completed an update of its Shoreline Master Program in November 2013. Washington state law requires Jurisdictions to review and update their SMPs every eight years in accordance with the SMA and its current guidelines and legislative rules to attain state approval.

THIS PERIODIC UPDATE WILL FOCUS ON:

- Review of relevant legislative updates since the November 2013 SMP;
- Ensuring compatibility with other City regulations;
- Minor housekeeping items.

THIS PERIODIC UPDATE WILL NOT:

- Re-evaluate the ecological baseline that was established as part of the November 2013 SMP update;
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or
- Change shoreline Jurisdiction, shoreline buffers, or environment designations.

HOW DO SHORELINE REGULATIONS APPLY TO LAND USE AND DEVELOPMENT ACTIVITIES?

Shoreline regulations apply to any change in land use or development activity that occurs within the shoreline Jurisdiction, as defined in the SMP. Included in those modifications and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks;
- Land development and alteration, such as clearing, grading, dredging, or filling; and other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access.

WHAT IS A SHORELINE EXEMPTION AND WHAT IS REQUIRED TO OBTAIN APPROVAL?

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit but are not exempt from compliance with the Shoreline Master Program. Exemptions are issued in writing by the City after the submission of a complete application, including a site plan. Even though an activity is exempt from requiring a Substantial Development Permit, a conditional use or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

HOW DOES THE SMP AFFECT EXISTING USES AND DEVELOPMENT?

SMP regulations are not retroactive. SMP regulations apply to *new* development and uses. Existing uses and developments legally established may be repaired, maintained, and operated. The SMP applies to proposals for expansion or alteration of existing uses and structures.

Structures and uses that were legally established in the past may become legally nonconforming due to new shoreline rules that are adopted over time. Current SMP regulations allow these previously built structures and established uses to continue as they are presently operating. Residential structures that were legally established and are used for a conforming use, but that do not meet current SMP standards (e.g. height, buffers, setbacks, etc.) are considered conforming structures.

WHAT IS PUBLIC ACCESS TO SHORELINES? WHEN IS IT REQUIRED?

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, new public access is only required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and for public uses. Public access requirements do not allow for trespass on private property.

WHAT IS NO NET LOSS?

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the Citywide existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. Simply stated, the no net loss standard is designed to balance the introduction of new impacts to shoreline ecological functions resulting from new development through mitigation sequencing and restoration. The City must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. Any amendments to the SMP that may occur through the periodic update process would need to comply with the no net loss standard.

WHAT HAPPENS IF WE DON'T UPDATE THE SMP?

The Department of Ecology is authorized by [RCW 90.58.070](#) and [.090](#) and [WAC 173-26-070](#) to itself adopt a SMP for the shorelines of the state within our city. Much of the opportunity for our own determination of how to regulate shoreline areas would be reduced.

HOW CAN I GET MORE INFORMATION?

Shoreline Management Act Statutes and Administrative Regulations

- [Shoreline Master Program Requirement RCW 90.58](#) by Washington State Legislature
- [Chapter 173-26 WAC](#) - Shoreline master program guidelines
- [Chapter 173-27 WAC](#)- Shoreline management permit and enforcement procedures
- [Overview of the Act](#) by the Municipal Research & Services Center
- [Introduction to the Act](#) by the Department of Ecology
- [Shoreline Master Program Handbook](#) from the Department of Ecology

Education & Periodic Code Update Timelines

- [Shoreline Management](#) webpage at Department of Ecology
- [Update Timetable RCW 90.58.080](#) by the Washington State Legislature

Maps & Photographs

- [Shoreline Aerial & Oblique Photographs](#) by Department of Ecology's Coast Atlas