

Planning Commission SMP Periodic Review Summary



Community Development • 2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146

Summary

Date of Workshop: May 11, 2021
Date of Hearing: June 8, 2021
Proposal: Shoreline Master Program Periodic Review

A. SHORELINE MASTER PROGRAM PERIODIC REVIEW

Lewis County is undertaking a periodic review of its Shoreline Master Program (SMP). The Shoreline Management Act (SMA) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other Lewis County plans and regulations, and is responsive to changed circumstances, new information and improved data. All information relating to the Shoreline Master Program Periodic Review can be found online [here](#).

B. SUMMARY OF PROPOSED UPDATES

All changes can be found in the draft SMP located on the Lewis County Community Development website [here](#). To summarize the changes, Lewis County considered the following topics:

Process and Administration Section – As the outreach started, one consistent topic mentioned by staff was the complexity of answering questions relating to the SMP due to information being spread across multiple chapters. After review and consideration of this topic, changes to the SMP are not taking place at this time. We want to first start by providing better information to customers, including flow charts and checklists to clearly identify the process and requirements for review. As part of future updates, a road map of the SMP may be provided to ensure it includes all aspects of the SMP review.

Review for Internal Consistency – The draft SMP proposes updates to codes referenced to be consistent with current regulations.

Integrate Updated Critical Areas Ordinance (CAO) into the SMP - The SMP was adopted in 2017, which adopted LCC 17.35 and LCC 17.35A by reference for critical areas. About one year later, Lewis County adopted a new CAO. The draft SMP includes a proposal to integrate the newly adopted CAO in LCC 17.38, with modifications.

Update Agriculture Chart – The draft SMP proposes updates to the chart in SMP 5.05.02 regarding applicability for agriculture in the shoreline environments. There is no substantial changes, other than format for ease of reading and interpreting.

Use Chart – The draft SMP proposes updates to the use chart to allow bridges as a permitted use instead of a conditional use. The bridges reviewed by the SMP since its adoption in 2017 include agriculture bridges and a pedestrian walking bridge (crossing Hwy 6, not a stream). It is Lewis County’s view that bridges would be reviewed sufficiently with a Shoreline Substantial Development Permit, the State Environmental Policy Act (SEPA), the National Environmental Policy Act (NEPA), and all other local, state and federal permits relating to bridges.

Addition of definitions – The draft SMP proposes updates for the following definition additions:

- **Existing Agriculture** – Existing agriculture shall include those specific land areas on which agriculture activities are or have been conducted, regardless of the period of dormancy
- **High intensity agriculture uses** - Means agriculture uses which by their nature have the potential for significant impact and will be regulated using a review process coupled with SEPA review, or, for SEPA exempt properties, substantially similar to SEPA review. Except as provided herein, high intensity uses shall include all uses not specifically identified as low intensity uses.
- **Low intensity agriculture uses** – Means agriculture uses which by their nature generally have a low or moderate impact on the environment in which they occur and will be regulated using a single or short form of approval. Except as provided, low intensity uses shall include:
 - (a) Livestock in excess of grazing best management practices recommended by the Natural Resources Conservation Service;
 - (b) Machinery storage, fueling, and maintenance; or
 - (c) Storage of petroleum, fertilizers, pesticides, and herbicides.

Updates for clarification – The draft SMP proposes updates for clarification when interpreting the SMP consistently. Some of the clarifications include:

- Clarification that “a forest practice that only involves timber cutting is not a development under the act and does not require a Shoreline Substantial Development Permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a Substantial Development Permit, as required by WAC 222-50-020.”
- Clarification that accessory and appurtenant structures are not allowed prior to a single-family residence being constructed in the shoreline jurisdiction. Currently the SMP only states accessory structures, but appurtenant structures have similar restrictions.
- Addition of activities that are exempt from the SMP review and approval. Currently, the SMP references RCW 90.58.355. For consistency in interpreting the SMP, a list was added in SMP 7.02.02B.

- Clarification that development does not include “dismantling or removing structures if there is no other associated development or re-development.”
- Clarification that residential development is “development associated with the creation of new residential lots through land division” instead of “creation of new residential lots through land division.”
- Update the definition of “Substantial Development” to include updated cost threshold for substantial development represented in the WAC 173-27-040. The cost threshold is being updated from “\$6,416.00” to “\$7,047.00 or as otherwise amended.”

Updates to Lewis County Code sections – The draft SMP proposes updates for the following code sections in the Lewis County Code:

- LCC 15.35 Flood Damage Prevention – This update provides clarification of the Joint Aquatics Resources Permit Application form. The terminology in LCC 15.35 is currently incorrect and refers to the state application form as a permit.
- LCC 17.25 Shoreline Master Program – This update provides an updated date for when the Shoreline Master Program was last amended.
- LCC 17.38 Critical Areas – This update modifies the CAO applicability section to incorporate the shoreline when identified in the SMP.

C. EXHIBITS

SMP Update Chart 04.23.2021

WA Department of Ecology Periodic Review Checklist

Draft SMP 04.23.2021

Draft LCC 15.35 04.23.2021

Draft LCC 17.25 04.23.2021

Draft LCC 17.38 04.23.2021

D. WEBLINKS REFERENCED

Information relating to the Shoreline Master Program Periodic Review:

<https://lewiscountywa.gov/departments/community-development/track-planning-projects/shoreline-master-program-periodic-review/>

Draft Shoreline Master Program:

<https://lewiscountywa.gov/departments/community-development/track-planning-projects/shoreline-master-program-periodic-review/shoreline-master-program-periodic-review-draft/>