



PROJECT MEMO

TO:	Aberdeen City Council	DATE:	May 10, 2023
FROM:	Ali Masterson and Nicole Stickney, AICP Tri-Cities - (509) 380-5883	PROJECT NO.:	2220311.30
		PROJECT NAME:	Aberdeen SMP Periodic update
SUBJECT:	Aberdeen Shoreline Master Program (SMP) Periodic Update		

DESCRIPTION OF PROPOSAL

The City of Aberdeen is performing 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, in accordance with WAC 173-26-090. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other city plans and regulations, and is responsive to changed circumstances, new information, and improved data. The SMP is Aberdeen Municipal Code Chapter 14.50. *The City and the Washington Dept. of Ecology (Ecology) are currently accepting comments on a periodic review in accordance with RCW 90.58.080(4) and pursuant to the joint review process set forth in 173-26-104 WAC.*

The purpose of the joint City Council / Ecology hearing is to hear public testimony regarding the proposed changes to the SMP, which serves to regulate development located in the City’s shoreline jurisdiction.

BACKGROUND

As required by the State Shoreline Management Act, local governments must periodically review and update their shoreline master program which are based on the State’s Shoreline Master Program Guidelines (WAC 173-26) but tailored to the specific circumstances and needs of the local community.

History: The City of Aberdeen adopted a Shoreline Management Master Program and Regulations in 1974 to comply with the State Shoreline Management Act of 1971. A comprehensive SMP update as required by RCW 90.58.080(2) was completed and approved (ordinance 6598) in October 2016 and (ordinance 6611) in August 2017. The 2017 update considered numerous state and federal regulatory changes, in areas such as stormwater management, critical areas protection, and flood hazard reduction, that affect the shoreline and aquatic areas. The revised policies, environmental designations, and regulations in the updated SMP were intended to address these changes and bring the SMP into compliance with current federal and state policies and regulations for shoreline and aquatic management.

Some state laws, rules, and guidance have been updated since the 2017 SMP update, which may require amendments to the SMP. The Department of Ecology (Ecology) publishes a checklist of state laws, rules, or other applicable documents published each year that require local governments to review their SMP for conformance. RCW 90.58.080(4) requires the City of Aberdeen to periodically review and, if necessary, revise the master program on or before June 30, 2023. In 2022, the city’s consultant, AHBL, reviewed the checklist and identified opportunities for amendments.

What is included in the SMP? The SMP includes the City's vision of how shoreline areas can be used and provides the policy basis and regulations to guide shoreline development, public access, and habitat protection. The goals and policies of the SMP are to be incorporated into the City's Comprehensive Plan, as required by the State Growth Management Act (RCW 36.70A). The shoreline regulations regulate shoreline areas in harmony with existing development regulations. The critical area regulations found in Appendix 2 of the SMP and codified in the city's critical areas ordinance (CAO), AMC Chapter 14.100, Critical Area Protection, regulate development that affects the City's critical areas within the shoreline jurisdiction.

Affected area: The Shoreline Management Act defines the extent of the geographic area in the city subject to the SMP, referred to in the SMP as the city's shoreline jurisdiction. The SMP applies to the shorelines of the city including the ordinary high water mark (OHWM) and the western boundary of the state including harbors, bays, estuaries, and inlets, segments of streams or rivers where the mean annual flow is more than twenty (20) cubic feet per second, lakes and reservoirs twenty (20) acres and greater in area and shorelands adjacent to these water bodies including lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM, adopted Federal Emergency Management Agency (FEMA) floodways and contiguous floodplain areas landward two hundred (200) feet from such adopted FEMA floodways, and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA.

The following water bodies are subject to the city's SMP: Grays Harbor, the Chehalis River, Lake Aberdeen, the Wishkah River, Wedekind Creek, the Wynoochee River, Charley Creek, tidal portions of Fry Creek, and Newskah Creek.

How are items to be updated determined? The update is based on a checklist provided by Ecology that details the changes to state laws / rules / guidance which may trigger the need for SMP amendments. The checklist was completed by the City's consultant, AHBL. The update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The City also considers comments from stakeholders and the public, as well as Ecology and other reviewers (being mindful of budget constraints and the limited scope required during a periodic review).

What's next? At a meeting (to be scheduled for after June 22nd), the City Council will have an opportunity to review all comments and testimony given at or prior to the public hearing, together any written comments received by the end of the comment period. The City Council may then make a motion to forward a set of documents as required by WAC 173-26-104(3)(a) for an initial determination by Ecology. After Ecology completes an initial determination (typically done within 30 days), AHBL will prepare a final draft of the SMP to include any required changes and any desired changes that are recommended by Ecology. Following that, the item will be brought back to the City Council for Adoption via an ordinance.

Unlike other local regulations, Ecology has final review and approval authority over the City's SMP, including the ability to require changes. This also means that Ecology has the ability to review and require changes to the parts of the critical areas ordinance and any other ordinances incorporated into the SMP.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The SMP is consistent with the 2021 Comprehensive Plan in many ways. The City's adopted Comprehensive Plan includes the following goals and policies that relate to the SMP:

Goal LU-2 Natural setting. Leverage, relate to, and celebrate Aberdeen's setting within the natural environment, including its waterfront, weather, and nearby forests and beaches.

Goal LU-3 Economic prosperity. Provide opportunities for diverse employment development that leverages Aberdeen's waterfront and physical environment, increases downtown and Port activities, supports a healthy natural environment, contributes to quality of life, and is compatible with desired development patterns.

Policy LU-9 Waterfront-oriented tourism. Designate land along the Chehalis and Wishkah Rivers for recreational opportunities to draw tourists.

Policy LU-20 Flood parks. Explore opportunities for using parks to mitigate urban flooding, dissipate wave energy, and help reduce flooding impacts (e.g. Finch Playfield flood control park, a storm-surge/tsunami mitigation park along the waterfront, etc.)

Policy LU-24 Connect to waterfront. Seek out and pursue opportunities to provide downtown-accessible public open space on the waterfront. The future downtown levy design should accommodate public access to waterfront open space.

Policy LU-26 Waterfront access. Maintain and seek additional physical and visual waterfront access, including recreational boating access, trails, fishing, and seating.

Policy LU-27 Responsibly manage waterfront. Designate land uses that make use of waterfront access for recreation, tourism, industry, research, or other pursuits that benefit Aberdeen's economic prosperity and community and environmental health and resiliency.

Policy LU-28 Protect Critical Areas. Continue to protect ecologically sensitive and hazardous areas, including their functions and values, by following the City's Critical Areas Ordinance.

Policy LU-29 Protect Shorelines. Continue to steward shoreline areas by following the City of Aberdeen's Shoreline Master Program.

Policy LU-44 Waterfront Intent. This designation provides for a mix of commercial, cultural, recreational, and water-related light industrial uses in waterfront areas to support tourism and continued water-oriented uses. Development should emphasize and make use of the unique waterfront setting with a pedestrian-friendly environment and public access and views to the water where feasible. Because these areas are generally not protected by the existing or planned levee, high intensity uses are not expected. Typical development should include a mixture of commercial buildings, light industrial activities, and recreational or commercial water access. These areas should be less intense than Downtown or Neighborhood Center designations, except where they also align with a regional center (i.e., the regional

shopping center at the mouth of the Wishkah River). Consider applying design standards for trails and waterfront access to encourage pedestrian friendly design.

Policy LU-49 Waterfront Residential Intent. This designation allows for existing waterfront residential uses not protected by the planned levee to continue, recognizing private investment in homes and attachment to waterfront living. In the long-term, new residential growth should not be allowed without flood-resilient design. Because of the waterfront location, flooding and other risks should be considered, especially during “managed retreat” planning.

Policy LU-50 Open Space – Parks Intent. This designation allows for existing and future parks and public open space, public community facilities, and essential public facilities. They are located to support downtown and neighborhood centers with public amenities, as well as to enhance the waterfront as a recreational draw. Along the waterfront, open space/park design should include resiliency and adaption measures to flooding and tsunamis.

Policy H-30 Homes on high ground. Discourage new housing production in high-risk flood zones (FEMA designated A and AE). New housing in areas designated for Waterfront Residential areas should include flood mitigation design techniques as appropriate.

Goal ED-6 Active waterfront. Support a multifunctional waterfront, including employment, recreational, natural systems, housing options, appropriate industrial/manufacturing, and water transportation uses.

Policy ED-25 Maintain waterfront connections. Maintain and augment strong connections to the waterfront to enhance Aberdeen’s sense of place.

PUBLIC NOTICE/ COMMENTS

Public participation is a very important cornerstone of this periodic update process.

This project was launched with Council’s adoption of a public participation plan, which was followed by a letter mailed to stakeholders (persons who own property in the shoreline jurisdiction according to tax records, tribes, etc.) to provide notice and information about the pending update and gave the opportunity for people to “sign up” to be included on an email notification list. A webpage on the City’s website was established at <https://www.aberdeenwa.gov/442/Periodic-Review-the-City-of-Aberdeens-Sh> and it has been regularly updated.

Public notice of the joint City/ Ecology May 24, 2023 public hearing included the following:

- Posting of a notice to the city’s website
- Email to the SMP update email list and to individuals/ agencies on the SEPA email list (Joint notice for the public hearing and for the SEPA determination)
- Notification completed by Ecology
- Publication in *The Daily World* newspaper

Additionally, a *Request for Review and Notice of Intent to Adopt Amendment*, as required under RCW 36.70A.106, was submitted to the Washington State Department of Commerce on March 16, 2023.

The official comment period for the SMP is open from May 22, 2023 to June 22, 2023. AHBL consultants will compile all comments received in writing in a response matrix, to document the comments as well as a response for each comment.

ENVIRONMENTAL REVIEW

The proposal is subject to environmental review. The City is the lead agency for the proposal under the State Environmental Policy Act (SEPA) and reviewed the proposed non-project action for probable adverse environmental impacts and issued a determination of non-significance (DNS) for this proposal on April 10, 2023.

PAST AND PROJECTED TIMELINE

The processing of this item has included the following thus far:

October 2022:	Council adopted a Public Participation Plan
December 2022:	Completed preliminary draft of the SMP Amendments and ecology checklist
January 2023:	City solicits early feedback from Ecology
February 2023:	Completed First Draft SMP Amendments and ecology checklist
April 10, 2023:	SEPA DNS Issued
May 22, 2023:	City and Ecology joint public comment period begins

The projected future timeline includes:

May 24, 2023:	Joint City Council/Ecology Public Hearing at 6:30 p.m.
June 22, 2023:	Conclusion of public comment period and City responds to public comments (following)
~July 2023:	City Council SMP review & vote to forward to Ecology for Initial Determination
~July 2023:	Submit Application for Final Determination from Ecology
~August 2023:	Pass Ordinance to Adopt the SMP updates
TBD	Final Ecology Approval (Anticipated early fall of 2023)

FISCAL IMPACT

The City was awarded a grant from Ecology to pay towards the costs associated with the SMP update. The grant funding was provided to only update the SMP itself (there was no funding for updates or changes to reports and

research produced as a part of the previous update, such as the Shoreline Inventory and Characterizations report).

SUGGESTED FINDINGS

Written findings will be needed for the City to adopt the SMP amendments under the periodic update. Listed below are DRAFT written findings that will be further developed as the process ensues:

Findings:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires counties and cities to prepare SMPs to prevent the uncoordinated and piecemeal development on shoreline of the state.
2. Under RCW 90.58.050, the City and Ecology share joint authority and responsibility for the administration of the City's SMP. When the City's updated SMP is approved by Ecology, it has the authority of state law.
3. In 2003, Ecology adopted new rules based on RCW 90.58.200, that became effective January 17, 2004. These rules gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations.
4. Ecology adopted and approved the existing Aberdeen SMP in 2017.
5. The State's Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature and the Aberdeen periodic update is due no later than June 30, 2023.
6. The SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local SMPs.
7. The City was awarded a grant from Ecology to fund a portion of the update costs.
8. The proposed SMP is compatible with the City's adopted land use designations, policies, and goals contained with its Comprehensive Plan and its development regulations.
9. The proposed SMP recognizes private property rights and it is consistent with other property regulations and those rights afforded to property owners.
10. The City completed environmental review under SEPA issued a Threshold Determination of Non-Significance on April 10, 2023.
11. The City filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce on March 16, 2023.
12. The proposed amendments to the City's SMP were posted on the City website prior to the City's public hearing for public review.
13. Public hearing notice was published in *The Daily World* newspaper on _____, 2023.
14. A public hearing before the City's City Council was held on May 24, 2023.
15. The official comment period for the SMP is open from May 22, 2023 to June 22, 2023 and the joint City/Ecology public hearing occurred during that time period.
16. All written comments received prior to and during the official comment period will be compiled into a Response Matrix document for the City to consider and document their review and formal responses.
17. The City will formally adopt the SMP following review and approval by Ecology and it will then become effective.
18. The SMP aligns with the goals and policies of the City's Comprehensive Plan and the two documents are not in conflict.

ACTION

The City Council should conduct a public hearing to receive public comments on the proposed periodic update to the SMP. A copy of the draft SMP showing proposed amendments in tracked changes is attached to this memo for review. ***Additional materials are available on the City's website.***

Cc: Lisa Scott, Community Development Director