

Shoreline Master Program & SEPA Conformance Amendments

Study Session

Liz Stead, Interim Co-Director
Caleb Miller, Senior Planner
Development Services

January 9, 2023





Direction

Enter a finding of necessity for Council to retain processing of the proposed SMP Conformance LUCA; and

Direct staff to prepare the SEPA Amendments Ordinance for final adoption at a future meeting.



Agenda

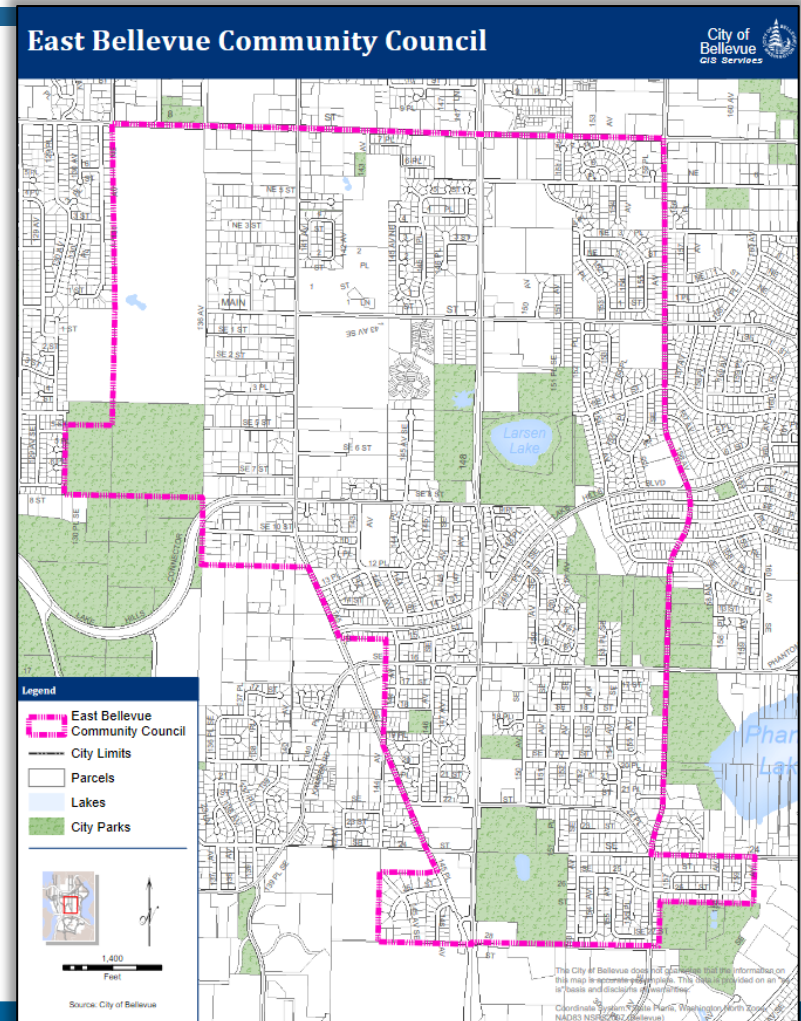
1. Background
 - a) Ord. No. 6670
 - b) Ord. No. 6673
2. Proposed Amendments
3. Review Process



Ordinance No. 6670

EBCC Sunset LUCA

- 2022 State legislation: HB 1769
 - Chapter 35.14 RCW
- Removed resulting gaps, ambiguities from LUC:
 - EBCC-specific provisions
 - Procedures involving EBCC
 - Other references
- Did not include amendments to SMP (Ch. 20.25E LUC)



Ordinance No. 6673

Quasi-Judicial Appeals LUCA

- Removed Council authority to hear appeals for:
 - Process I Hearing Examiner decisions
 - Process III Hearing Examiner recommendations
- All appeals directed to Superior Court
- Did not include amendments to:
 - SMP (Ch. 20.25E LUC)
 - Environmental Procedures (Ch. 22.02 BCC)



SMP Amendments (LUCA)

- **SMP Amendments:**
 - Remove references to EBCC
 - Remove Council appeal authority for Shoreline Process I actions
 - Only includes Shoreline Conditional Use Permits
 - Appeals directed to State Shoreline Hearings Board
 - Shoreline Process II and III remain the same
- **Joint Review Process for SMP Amendments**
 - City and Ecology solicit comments simultaneously
 - Ecology determines consistency with Shoreline Management Act



SEPA Amendments (BCCA)

- **Environmental Procedures Code**
 - Chapter 22.02 BCC
 - Implements SEPA requirements, procedures
 - SEPA amendments:
 - Remove a reference to Type I appeals to City Council
 - Clarify appeal process when SEPA is required
- **BCC Amendment Process**
 - Separate ordinance from SMP (LUCA)
 - May be adopted anytime following this study session



Process & Engagement

Date	Action
Dec 8, 2022	Notice of Application (Weekly Permit Bulletin)
Dec 12, 2022	Project Webpage Published
Dec 22, 2022	Notice of Joint 30-day Comment Period and Public Hearing <ul style="list-style-type: none"> • Weekly Permit Bulletin • Seattle Times • Dept. of Ecology Notices
Jan 9, 2023	Council Study Session <ul style="list-style-type: none"> • SEPA BCCA Ordinance may be adopted after this point
Jan 23, 2023	Council Public Hearing (SMP LUCA)
Feb-Mar 2023	Initial Determination of Consistency from Ecology
Mar-Apr 2023	Council Final Action (SMP LUCA)
Apr-May 2023	Final Determination of Consistency from Ecology





Direction

Enter a finding of necessity for Council to retain processing of the proposed SMP Conformance LUCA; and

Direct staff to prepare the SEPA Amendments Ordinance for final adoption at a future meeting.

