

PROJECT MEMO



TO:	City of Westport Planning Commission	DATE:	May 12, 2023
FROM:	Nicole Stickney, AICP and Helen Stanton	PROJECT NO.:	2220921.30
SUBJECT:	Westport Shoreline Master Program (SMP) Periodic Update – Recommendation for Adoption		

This memo serves as a staff report to the Westport Planning Commission for the Shoreline Master Program (SMP) Periodic Review project for the meeting of Tuesday, May 16, 2023.

Attachments:

- Updated SMP with tracked changes shown (changes made since the previous Planning Commission review, primarily in connection with the memo of April 14, 2023) are additionally shown with highlighted text)
- Comments received and comment responses

As a reminder, additional materials are available on the project website:

https://www.ezview.wa.gov/site/alias_1843/35621/overview.aspx

PROJECT UPDATE

The advertised public comment period began March 20, 2023 and concluded April 19, 2023. The City received 10 comment letters. The comments and responses (as prepared by AHBL and reviewed by City Staff) are included in the Planning Commission packet as an attachment. In addition, there was a duly noticed public hearing on April 18, 2023 which was well-attended and the meeting minutes contain a record of that hearing.

As announced at the April 18th public hearing, although the City set out to use the “Joint Review” process (WAC 173-26-104), we were notified by Ecology that there were problems with that approach based on the agency’s view that substantive changes were proposed by the City too late in the process for the joint review process to continue¹. As a result, the standard review process for SMPs is now being used (pursuant to WAC 173-26-100). This means that following local review and adoption, there will be an additional comment period coordinated by Ecology.

SUGGESTED FINDINGS OF FACT

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:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires counties and

¹ A memo dated April 14th introduced additional proposed changes, generally to Revise Section 6.03.02 (Clearing, Grading, Filling), Revise the definition of “Water Enjoyment Use” definition, and to expand Recreational Development regulations to include examples



- 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 Westport 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 City of Westport's 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's Planning Commission held a public hearing on April 18, 2023 to review and receive public comment on the proposed amendments to update the City's SMP.
 11. The City completed environmental review under SEPA issued a Threshold Determination of Non-Significance on March 20, 2023 (SEPA register # 202301296).
 12. 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.
 13. The proposed amendments to the City's SMP were placed on the project website using the EZ View platform on March 20, 2023 prior to the City's Planning Commission public hearing for public review.
 14. The notice of the amendments, DNS, public hearing, and public comment period were published in the Daily World on March 18, 2023 and March 21, 2023.
 15. The official comment period for the SMP was open from March 20, 2023 to April 18, 2023 and the April 18, 2023 City public hearing occurred during that time period.
 16. All written comments received prior to and during the official comment period was compiled into a Response Matrix document for the City to consider and document their review and formal responses.
 17. Following completion of the public hearing before the City's Planning Commission, the City Council will hold a hearing to approve the updated SMP.
 18. The City will formally adopt the SMP and following review and approval by Ecology it will then become effective.

ACTION

Staff is recommending the Planning Commission vote to forward the draft SMP with a recommendation for approval to the City Council based on the findings of fact.

Suggested Motion:

"I move that the Planning Commission recommend to City Council approval of the SMP Periodic Update package, including the draft amendments that the Commission has reviewed, and forward the recommendation with the suggested findings of fact."

CC: Kevin Goodrich – City of Westport