

1. Agenda

Documents:

[6-11-2018 PLANNING COMMISSION AGENDA.PDF](#)

2. Meeting Materials

Documents:

[GENERAL INDUSTRIAL CODE AMENDMENT.PDF](#)

[SHORELINE MASTER PLAN UPDATE AND PUBLIC PARTICIPATION PLAN.PDF](#)



PLANNING COMMISSION AGENDA

Monday June 11, 2018 – 6:30PM
Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. Minutes (None)
5. New Business
 - Shoreline Master Program Update
6. Old Business
 - General Industrial Code Amendment
7. Miscellaneous Business
8. Public Comments
9. Recent Council Action on Commission Items
10. Upcoming Items
11. Adjourn

For information about this agenda, contact the Community Development Department at 360-629-2181 ext. 4512.

SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-629-2181 ext. 4512 two business days prior to the meeting.



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-4577

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION

FROM: Patricia Love, Community Development Director

SUBJECT: General Industrial Code Amendment

DATE: June 11, 2018

ATTACHMENT: A. Proposed Draft LI and GI Code Amendment
B. List of other Code Sections from jurisdictions pertaining to LI and GI Air Quality, Odor and Dust

In recent months, the Planning Commission has been considering several code amendments regarding final plats, odors, open space regulations, signage, impact fees and cell towers. At the April 12, 2018, meeting the Commission requested that staff move forward with an amendment to the General Industrial (GI) zone to limit off site orders similarly as provided in the Light Industrial (LI) Zone.

Attached for your review and consideration is draft language which could address air quality, odor, and dust. The other code issues noted above will be brought back to the Commission as draft proposals as prepared over the next few months.

Comprehensive Plan Guidance

The City's Comprehensive Plan includes a well-defined vision for the City: becoming the commercial and cultural center of the greater Stanwood / Camano region. Goals and policies promote a vibrant downtown and livable community which includes a mix of residential, office, retail, entertainment and service uses. Walkability is highly encouraged in the Plan and envisions residential and commercial areas connected with sidewalks, trails, and parks. Industrial uses are encouraged which do not adversely affect the health and safety of adjacent non-industrial and residential uses.

It is appropriate to consider new development standards for the General Industrial zone that supports the City's economic development goals while still protecting adjacent properties from potential non-intended adverse effects such as odors, smoke, and dust that would discourage people from enjoying shopping and dining downtown or from being able to enjoy their property while outdoors.

Purpose and Intent of Zoning Districts

There has been a request by several members of the community to make changes to the LI and GI zone surrounding air quality, odor, and dust. The GI zone is intended for heavy industrial types of uses such as manufacturing and food processing. It was suggested to add similar language contained in 17.50.020 relating to the LI zone be add to the GI zone.

(11) LI (Light Industrial) Zone. The general intent and purpose of this zoning designation is to:

- (a) Provide for the development of areas in which certain types of light industrial activities may be located;
- (b) Protect residential and other nonindustrial areas from adverse and damaging impacts emanating from activities in the light industrial area;
- (c) Protect light industrial areas from other uses that may interfere with the purpose and efficient operations in the light industrial areas;
- (d) Provide standards for the development of a light industrial area; and
- (e) Provide for the location and grouping of light industrial enterprises in light industrial parks, and provide for activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing, trucking and certain uses, though perhaps inherently commercial, that are best suited to light industrial areas of the city.

This zone implements the light industrial land use designation of the Comprehensive Plan, and the civic commons overlay.

(12) GI (General Industrial) Zone. The purpose of this zoning district is to provide opportunities for major employment areas within the city and to allow heavy industrial uses including manufacturing, warehousing, storage, distribution, food processing, trucking and related uses in locations that are environmentally suitable for these activities. This zone also provides a location for major utilities including the sewage treatment plant. Additionally, this designation provides a location for the adult entertainment overlay.

This zone implements the general industrial and the existing public facilities land use designations and the adult entertainment overlay designation in the Comprehensive Plan.

Additional Standards – LI (Light Industrial Park) Zoning District

The Stanwood Municipal Code establishes the types of uses that are allowed outright, by conditional use, or prohibited by zoning district. In a few cases, the code applies additional development standards to:

- Mitigate potential impacts on adjacent properties or zones,
- Preserve historic character, or
- Create a cohesive street frontage or district character.

Stanwood has adopted additional development standards for light industrial parks within the Light Industrial zoning district. These standards contain specific language prohibiting typical uses that would be bothersome to adjoining commercial or residential neighborhoods which could be applied to both the larger IL and GI districts.

Generally, heavy industrial zones are located away or are buffered from commercial and residential uses; however, in Stanwood's case the GI zone in many cases is located directly adjacent businesses and residents that could be negatively impacted by foul odors.

There are two options to address this concern:

1. Amend Section 17.50.020, Prohibited Uses for Light Industrial Parks to reference both the LI and GI zoning districts, (staff recommended option) or
2. Adopt a new section (potentially SMC 17.55) specifically to address odors in the GI zone.

The language below is specific to Light Industrial Parks in the LI zone only and addresses other issues beyond odor concerns. The issue before the Planning Commission is should the LI and GI zones have the same restrictions or should the GI zone be more lenient in regards to some of the use restrictions below.

17.50.020 Prohibited uses (for Industrial Parks in the LI Zone)

Uses other than those identified or described in SMC 17.30.040 are prohibited, including but not limited to:

- (1) Air Quality. No visible or invisible noxious, toxic, or corrosive fumes or gases or particulate emissions, or suspended particles or fugitive dust emissions, shall be discharged into the atmosphere except such as are common to the normal operation of a heating plant or gasoline or diesel engines in cars, trucks, or railroad engines. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides or herbicides on public or private property.

- (2) Vibrations. Every use shall be so operated that any air or ground vibration generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond the light industrial zone.
- (3) Waste Storage and Disposal. The storage or disposal of industrial waste shall be subject to the regulations of the State Health Department and shall comply with the requirements of the Washington Pollution Control Commission.
- (4) Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.
- (5) Noise. The noise resulting from any activity other than noise produced by vehicles and other transportation facilities and construction and maintenance of buildings and grounds shall not be audible at any point on or beyond the light industrial zone.
- (6) Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the Uniform Building and Fire Codes, SMC Title 14.
- (7) Steam. Any use producing humidity in the form of steam or moist air shall be carried on in such a manner that humidity is not perceptible at or beyond the light industrial zone.
- (8) Heat. Any use producing heat shall be carried on in such a manner that heat is not perceptible at or beyond the light industrial zone.
- (9) Odors. Any use producing odors shall be carried on in such a manner that offensive or obnoxious odor shall not be perceptible at or beyond the light industrial zone.
- (10) Glare. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from surrounding areas.
- (11) Examples of prohibited uses are:
 - (a) Animal slaughtering;
 - (b) Sale of livestock, poultry or similar animals;
 - (c) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.

Other Considerations

Lastly, the Commission could consider adding additional uses to the prohibited use list such as:

- Incineration or reduction of garbage, sewage, dead animals or refuse
- Any other use not listed which, that produces offensive odor, dust, smoke, gas or noise (overwhelming and a nuisance to the olfactory systems of a majority of a panel of five healthy observers – Arlington's Code Language)

Staff Recommendation

To simplify the code amendment process, staff is proposing to change SMC 17.50 to apply to both the LI and GI zoning districts, not just for industrial parks. Attached is draft language for your consideration.

Next Steps

Based on the Planning Commission's recommendations, staff will prepare a code amendment for public comment, environmental review, and eventual public hearing by the City Council.

ATTACHMENT A: PROPOSED DRAFT LI AND GI CODE AMENDMENTS

Chapter 17.50

ADDITIONAL STANDARDS – LI and GI (LIGHT AND GENERAL INDUSTRIAL) ZONING DISTRICTS

Sections:

- 17.50.005 Purpose of LI and GI Development Standards
- 17.50.010 Light Industrial Parks.
- 17.50.020 Light Industrial District Prohibited Uses.
- 17.50.025 General Industrial District Prohibited Uses
- 17.50.030 Environmental Standards.

17.50.005 PURPOSE OF ADDITIONAL LI AND GI DEVELOPMENT STANDARDS (NEW SECTION)

(1) The City's LI and GI zoning districts in many cases are located directly adjacent businesses and residents that could be negatively impacted by the unintended effects of industrial uses such as odors, noise, vibrations or other impacts that could cause interference with the general welfare of the city's residents.

(2) The City's comprehensive plan encourages industrial uses that do not adversely affect the health and safety of adjacent non-industrial and residential uses. Therefore, these additional development standards are required of all development in the LI and GI zoning districts to mitigate potential adverse impacts on abutting commercial and residential properties.

17.50.010 LIGHT INDUSTRIAL PARKS.

(1) Purpose Light Industrial Parks.-A Light industrial parks chapter are allowed under of this title is established to:

- (a) Encourage imaginative design by permitting greater flexibility in zoning requirements than is generally permitted by other chapters of this title;
- (b) Preserve or create environmental amenities superior to those generally found in conventional development;
- (c) Encourage comprehensive planning of large industrial sites in order to create a park like environment;
- (d) Preserve to the greatest possible extent the natural characteristics of the land, including topography, natural vegetation, waterways, views, etc.;
- (e) Provide for maximum efficiency in the layout of streets, utility networks, open space, landscaping requirements and other public improvements.

(2) Binding Site Plan. Application for a light industrial park use within the light industrial zone shall be permitted when accompanied with a master plan for the site. The master plan is intended to be used as a guide for the developer and city officials in meeting the purpose and provisions of this subsection and chapter. The master plan shall be submitted during the site plan review and include the required landscape plan (SMC [17.145.090](#)). (Ord. 1294 § 16, 2011).

17.50.020 LIGHT INDUSTRIAL DISTRICT PROHIBITED USES.

Uses other than those identified or described in SMC ~~17.50.040~~ 17.05.030 are prohibited, including but not limited to:

- (1) Air Quality. No visible or invisible noxious, toxic, or corrosive fumes or gases or particulate emissions, or suspended particles or fugitive dust emissions, shall be discharged into the atmosphere except such as are common to the normal operation of a heating plant or gasoline or diesel engines in cars, trucks, or railroad engines. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides or herbicides on public or private property.
- (2) Vibrations. Every use shall be so operated that any air or ground vibration generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond the light industrial zone.
- (3) Waste Storage and Disposal. The storage or disposal of industrial waste shall be subject to the regulations of the State Health Department and shall comply with the requirements of the Washington Pollution Control Commission.
- (4) (4) Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.
- (5) Noise. The noise resulting from any activity other than noise produced by vehicles and other transportation facilities and construction and maintenance of buildings and grounds shall not be audible at any point on or beyond the light industrial zone.
- (6) Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the Uniform Building and Fire Codes, SMC Title [14](#).
- (7) Steam. Any use producing humidity in the form of steam or moist air shall be carried on in such a manner that humidity is not perceptible at or beyond the light industrial zone.
- (8) Heat. Any use producing heat shall be carried on in such a manner that heat is not perceptible at or beyond the light industrial zone.

- (9) Odors. Any use producing odors shall be carried on in such a manner that offensive or obnoxious odor shall not be perceptible at or beyond the light industrial zone.
- (10) Glare. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from surrounding areas.
- (11) Examples of prohibited uses are:
- (a) Animal slaughtering;
 - (b) Sale of livestock, poultry or similar animals;
 - (c) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.
 - (d) Incineration or reduction of garbage, sewage, dead animals or refuse
 - (e) Any other use not listed which, that produces offensive odor, dust, smoke, gas or noise to the olfactory systems of a majority of a five healthy observers.

17.50.025 GENERAL INDUSTRIAL DISTRICT PROHIBITED USES (NEW SECTION)

Uses other than those identified or described in SMC 17.30.030 are prohibited including but not limited to:

- (1) Air Quality. No visible or invisible noxious, toxic, or corrosive fumes or gases or particulate emissions, or suspended particles or fugitive dust emissions, shall be discharged into the atmosphere except such as are common to the normal operation of a heating plant or gasoline or diesel engines in cars, trucks, or railroad engines. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides or herbicides on public or private property.
- (2) Noise. The noise resulting from any activity other than noise produced by vehicles and other transportation facilities and construction and maintenance of buildings and grounds shall not be audible at any point on or beyond the general industrial zone.
- (3) Odors. Any use producing odors shall be carried on in such a manner that offensive or obnoxious odor shall not be perceptible at or beyond the property boundaries.
- (4) Glare. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from surrounding areas.

(5) Examples of prohibited uses are:

- (a) Animal slaughtering;
- (b) Incineration or reduction of garbage, sewage, dead animals or refuse; and/or
- (c) Any other use not listed which, that produces offensive odor, dust, smoke, gas or noise to the olfactory systems of a majority of a five healthy observers.

17.50.030 ENVIRONMENTAL STANDARDS.

It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of SMC Title [17](#) chapters:

- 17.115 Critical Areas – Geologically
Hazardous Areas – Specific
Standards
 - 17.120 Critical Areas – Frequently
Flooded Areas – Specific
Standards
 - 17.125 Critical Areas – Wetlands –
Specific Standards
 - 17.130 Critical Areas – Fish and Wildlife
Habitat Conservation Areas –
Specific Standards
 - 17.135 Critical Areas – Critical Aquifer
Recharge Areas – Specific
Standards
 - 17.140 Stormwater Management
Performance Standards
 - 17.149 State Environmental Policy Act
(SEPA)
 - 17.150 Shoreline Management
Standards
- (Ord. 1294 § 16, 2011).

ATTACHMENT B: OTHER JURISDICTIONS REGULATIONS

CITY OF ANACORTES

Chapter 17.15 HEAVY MANUFACTURING USE DISTRICT (HM)

17.15.020 Permitted uses.

Any industrial, research and development, office, repair, warehouse, processing, shipping terminal uses, adult concessions (only located north of S. March Point Road and east of Reservation Road), commercial parking, private parking, and public parking provided that such uses are of such a nature that they do not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts. Retail floor space existing in or adjacent to the HM zone boundary as of May 1, 1995, that is determined to be nonconforming under these regulations may be increased by up to one hundred percent. (Ord. 2881 § 4, 2012; Ord. 2812 § 1 (Att. A), 2010; Ord. 2794 § 1 (Att. A), 2008; Ord. 2614 Att. A (part), 2003; Ord. 2592 App. A

Chapter 17.16 INDUSTRIAL DISTRICT

17.16.020 Permitted uses.

Any industrial, research and development, office, repair, warehousing, processing, and shipping terminal uses, adult concessions, commercial parking, private parking, and public parking provided that such uses are of such a nature that they do not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts. (Ord. 2964 § 4, 2015; Ord. 2888 § 3, 2012; Ord. 2881 § 5, 2012; Ord. 2812 § 1 (Att. A), 2010; Ord. 2794 § 1 (Att. A), 2008; Ord. 2521 Att. A § 3 (part), 2000; Ord. 2353 § 1 (part), 1995; Ord. 2316 (part), 1994)

Chapter 17.18 LIGHT MANUFACTURING USE DISTRICT (LM)

17.18.020 Permitted uses.

Any light manufacturing use or uses involving processing or storage of goods provided the processes or equipment employed, or goods stored, processed or sold shall be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter or water carried waste; marinas together with related uses such as ship buildings, boat repair, boat sales, restaurants and accessory sales; shipping and terminal facilities; commercial parking, private parking, public parking; and parks. Retailing other than accessory sales is not permitted except for neighborhood grocery stores through the conditional use process.

CITY OF LYNNWOOD

21.50.150 PERFORMANCE STANDARDS – LIGHT INDUSTRIAL ZONE.

All environmental or operational characteristics of a permitted use shall comply with the standards established in this section.

A. Noise. The noise emanating from a premises used for industrial activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness and shall not exceed those standards contained in Chapter [10.12](#) LMC.

B. Lighting. Industrial lighting and outdoor lighting shall not be used in such a manner that produces glare on public highways and neighboring highways and neighboring property. See Chapter [21.17](#) LMC, Outdoor Lighting Standards, for specific regulations pertaining to Light Industrial uses. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

C. Fire and Safety Hazards. The storage and handling of inflammable liquids, liquefied petroleum, gases, and explosives shall comply with rules and regulations falling under the jurisdiction of the fire chief, the laws of the state and other local ordinances.

D. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical, electrical, electronic, and nuclear equipment use, or processes with electrical apparatus in nearby buildings or land uses.

E. Odors. The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gases. Dust created by an industrial operation shall not be exhausted or wasted directly into the atmosphere.

F. Smoke or Particulate Matter.

1. The emission of smoke or particulate matter of a density equal to or greater than number three on the Ringlemann Chart, as currently published and used by the U.S. Bureau of Mines, is prohibited at all times.

2. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, oiling or other acceptable means.

3. Emission of particulate matter in excess of 0.2 grain per cubic foot of conveying gas or air measured at any property line is prohibited.

4. The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

G. Liquid and Solid Wastes. Storage of animal or vegetable waste which attracts insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line.

H. Open Storage. All storage shall be located within an area no closer to the street right-of-way line than designated in LMC [21.50.200](#) and shall be enclosed with a heavy wire fence or of a similar type, with the top of the fence not to be less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high.

In case of the open storage of lumber, coal or other combustible material, a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

CITY OF ARLINGTON

• 20.44.208 - Obligation to comply.

(a) All uses in any zoning district must continually comply with the performance/ operation standards of this Part.

(b) If the city has reasonable doubt that a use is, or can be, conducted within the limits of the above performance standards, it may require that the user or proposed user retain, at his expense, an independent, qualified, testing laboratory or expert to make an analysis of the use to determine its compliance with the standards and make the results of such analysis available to the city. If the site operator does not provide the required analysis within thirty days of the request, the city shall initiate such investigation and bill all expenses thereto the site operator, and the operator shall pay the city for such expenses within ten days after demand. The city may place a lien against the property if the operator refuses to pay such expenses within sixty days on receipt of bill.

(Ord. 1309 § 5(part), 2003)

• 20.44.210 - Noise.

(a) No use in any zoning district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the use if that use is one of several located on a lot, or (ii) uses located on adjacent lots.

(b) For the purpose of interpreting Subsection (a), and except as provided in Subsection (d), WAC 173-60, as may be amended, is hereby adopted and incorporated by reference in its entirety.

(c) Pursuant to WAC 173-60-030 (2), the following zones are designated to conform to the EDNAs (see WAC) as provided:

(1) SR, RLMD, RMD, RHD, and OTR - Class A EDNA

(2) NC, OTB, GC, and HC - Class B EDNA

(3) BP, A, LI, and I - Class C EDNA

(4) P/SP - shall conform to the EDNA that conforms to the zoning designation that predominately surrounds the P/SP parcel.

(d)

The following provisions of WAC 173-60 are amended:

(1) WAC 173-60-050 (2)(b) (certain existing industrial uses) is specifically not adopted.

(2) Wherever WAC 173-06 speaks to the department of ecology enforcing said regulations, the city may also act to enforce them pursuant to [Chapter 20.28](#) (Enforcement and Review) of this title.

(Ord. 1393 § 10, 2006; Ord. 1309 § 5(part), 2003)

- **20.44.220 - Vibration.**

(a) Except as modified by Subsection (b), no use in any zoning district may generate any ground-transmitted vibration that causes property damage or is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on a lot.

(b) No 4.000 classification use in a Light Industrial (LI) or General Industrial district (GI) may generate any ground-transmitted vibration in excess of the limits set forth in Subsection (e). Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in Subsection (e).

(c) The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

(d) The vibration maximums set forth in Subsection (e) are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed based on displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches.

The maximum velocity shall be the vector sum of the three components recorded.

(e) Table 20.44-2 is the Table of Maximum Ground-Transmitted Vibration.

(f) The values stated in Subsection (e) may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between seven a.m. and ten p.m. shall be exempt from the requirements of this section.

Table 20.44-2: Table of Maximum Ground-Transmitted Vibration

(Ord. 1309 § 5(part), 2003)

- **20.44.230 -Odors.**

(a) For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that is found to be overwhelming and a nuisance to the olfactory systems of a majority of a panel of five healthy observers.

(b) No use in any district may generate any odor that:

(1) Reaches the odor threshold, measured at:

(A) The outside boundary of the immediate space occupied by the enterprise generating the odor.

(B) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

(2) Exceeds any state or federal thresholds.

(Ord. 1309 § 5(part), 2003)

- **20.44.240 - Smoke and air pollution.**

(a) Any use that emits any "air contaminant" as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency.

(b) No zoning, special use, or conditional use permit may be issued with respect to any development covered by Subsection (a) until the Puget Sound Clean Air Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

(Ord. 1309 § 5(part), 2003)

- **20.44.250 - Disposal of liquid and hazardous wastes.**

(a) No use in any district may discharge any waste contrary to the provisions of RCW 70.105 (Hazardous Waste Management) or RCW 90.48 (Water Pollution Control).

(b) No use in any district may discharge into either the city of Arlington's or the city of Marysville's sewage treatment facilities any waste that cannot be adequately treated by biological means or in a manner inconsistent with the requirements and sewer service policies of either jurisdiction.

(Ord. 1309 § 5(part), 2003)



CITY OF STANWOOD Planning Commission AGENDA STAFF REPORT

DATE: June 11, 2018

SUBJECT: Shoreline Master Plan Update

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS:

- A. Department of Ecology SMP Summary
- B. Draft Public Participation Plan Resolution
- C. Draft Public Participation Plan
- D. SMP Review Checklist

ISSUE

State law mandates that the City of Stanwood conduct a periodic review of its Shoreline Master Program (SMP) by June 30, 2019.

RECOMMENDATION

Introductory review and discussion of the state Shoreline Management Act rules and regulations as they relate to the City's update of the Shoreline Master Plan.

SUMMARY STATEMENT

The Shoreline Management Act requires all jurisdictions review and update their Shoreline Management Plans on an eight (8) year schedule established by the Legislature. This review ensures that local SMP's stay current with changes in state laws and rules, remains consistent with other Stanwood plans and regulations, and is responsive to changing circumstances, new information and improved data.

DISCUSSION

Stanwood is required to update its SMP on or before June 30, 2019. To meet that schedule the majority of the staff work needs to be completed in 2018 with public hearings tentatively scheduled for early 2019. The State is not requiring any major updates to our inventory, restoration efforts, or cumulative impacts analysis. However, we must include all state mandated updates between 2007 and 2017 as well as any local changes which have occurred since the last SMP adoption.

Attached for your review is the Ecology Review Checklist that contains all of the state mandates with the City's proposed actions to maintain compliance with state law. Also attached is the draft Public Participation Plan that is required of all jurisdictions to show how the public will be informed and how they can stay involved in the update process.

The Planning Commission will act as the principle review body of the SMP updates with final adoption by the City Council and the Department of Ecology.

This periodic review will not be a complete re-write of the existing plan, rather it will be a limited update to sections of the Plan that have been affect by new State laws and other minor suggested edits by staff. Below is a general summary of the attachments:

General State Mandated Amendments:

- Definitions
- Exemptions
- Procedures
- Non-Conforming Uses
- Critical Areas

City Suggested Amendments:

- Update the SMP regulations allowing multifamily residential structures in the Shoreline Residential Designation consistent with an administrative interpretation issued on October 5, 2015.
- Review the regulations within the shoreline environment to identify possible locations to provide public access and recreational activities along the Stillaguamish River on publicly owned land.

SMP Update Schedule:

The following is a general timeline, including anticipated public participation opportunities.



Public Participation Plan:

A Public Participation Plan is required describing how Stanwood will encourage early and continuous public participation throughout the SMP update process.

Public Participation Goals:

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Provide forums for formal public input at project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

Public Participation Opportunities:

Stanwood will use a variety of communication tools to inform the public and encourage their participation, including the following:

- Website
- Community Meetings
- Notice / Mailing Lists
- Public Hearings
- News Media
- Coordination with the Department of Ecology

List of Stakeholders:

Stanwood will engage the following stakeholders:

Local Interest Groups:

- Shoreline Residents and Businesses
- Recreational and Water Access Enthusiasts
- Interested Party List

Local Agencies & Tribes:

- Port of Everett
- Snohomish County
- Island County
- Stillaguamish Tribe

State and Federal Agencies:

- Department of Ecology
- Department of Fish and Wildlife
- Department of Natural Resources
- Department of Archaeology and Historic Preservation
- Corp of Engineers

FINANCIAL IMPACT

The City has applied for and received a grant of \$15,000 from the Washington State Department of Ecology (DOE) to fund the periodic update to the Shoreline Master Program. No match dollars are required or associated with the grant; however, staff will expend significant time completing the update.

The City's scope of work follows the DOE guidelines and is consistent with Growth Management Act requirements. \$6,500 dollars of the grant funding will go directly towards the update of the Shoreline Master Program. The other \$8,500 will go toward evaluating public access and uses on publicly owned land within the shoreline environment.

PLANNING COMMISSION OPTIONS

Planning Commission to review and discuss the Shoreline Master Plan update and tentative schedule.

RECOMMENDED ACTION

General information meeting; no specific action required at this time.

ATTACHMENT A
Department of Ecology SMP Summary

ATTACHMENT B
Draft Public Participation Plan Resolution

ATTACHMENT C
Draft Public Participation Plan

ATTACHMENT D
SMP Review Checklist

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Summary of the Periodic Review Rule (WAC 173-26-090)

Introduction

This document is an annotated version of Ecology’s rule ([WAC 173-26-090](#)) on conducting periodic reviews of Shoreline Master Programs (SMPs) under the Shoreline Management Act (SMA). The rule was based on [Department of Commerce rules](#) that guide local governments in meeting the analogous Growth Management Act (GMA) “periodic review” requirement.

The following is a brief summary of each section of the rule.

Section 1: Locally initiated review

This brief section is from a long-standing rule that encourages local governments to review their SMPs to reflect changing local circumstances, new information or improved data. Ecology retained this section to clarify that local governments may prepare SMP amendments outside the statutorily mandated review period. The rule encourages local governments to consult guidance materials available from Ecology that may inform their reviews.

Section 2: Periodic review requirements

The second section summarizes and explains statutory requirements. The SMA requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The legislature set a staggered schedule that alternates with similar reviews under the Growth Management Act (GMA).¹

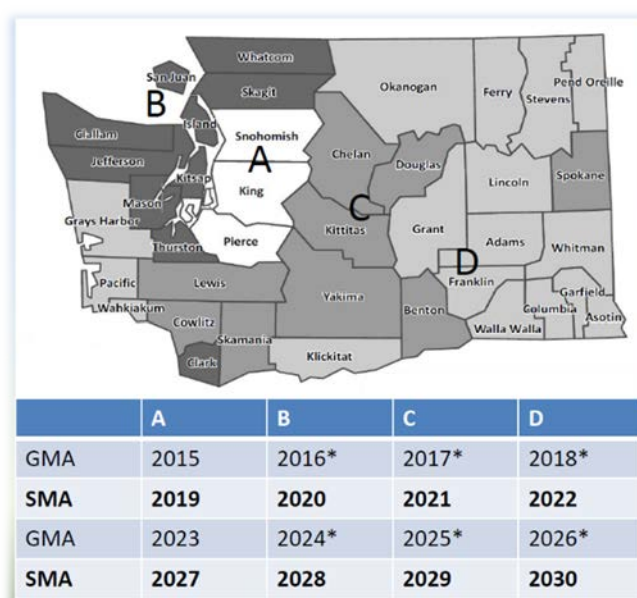


Figure 1. Periodic review schedules under the SMA and GMA.
(NOTE *For GMA reviews, the law gives an extra 2 years for smaller, slower-growing jurisdictions in groups B, C, and D.)

Figure 1 illustrates how GMA and SMA review deadlines alternate over time. For example, Column A indicates that King, Pierce and Snohomish counties and the cities within them have GMA review deadlines in 2015 and eight years later in 2023, interspersed with SMA reviews in 2019 and 2027.

The rule clarifies that local legislative action is required to complete the review, even when a local government determines no changes are needed. It also clarifies how the scope of the periodic review differs from the comprehensive updates that were conducted starting in 2005.

¹ RCW 90.58.080(4)

Summary of Periodic Review Rule (WAC 173-26-090)

Shorelands and Environmental Assistance Program, September 20, 2017

Section 3: Procedures

The third section of the rule outlines local and state procedures for conducting periodic reviews. The rule follows the GMA periodic review process, with unique steps to reflect Ecology's formal approval role (see Figure 2).

The rule requires Ecology to maintain a checklist that includes potential review elements. The checklist is used at the beginning to help determine what to review, and at the end to identify where each applicable issue is addressed in the SMP.

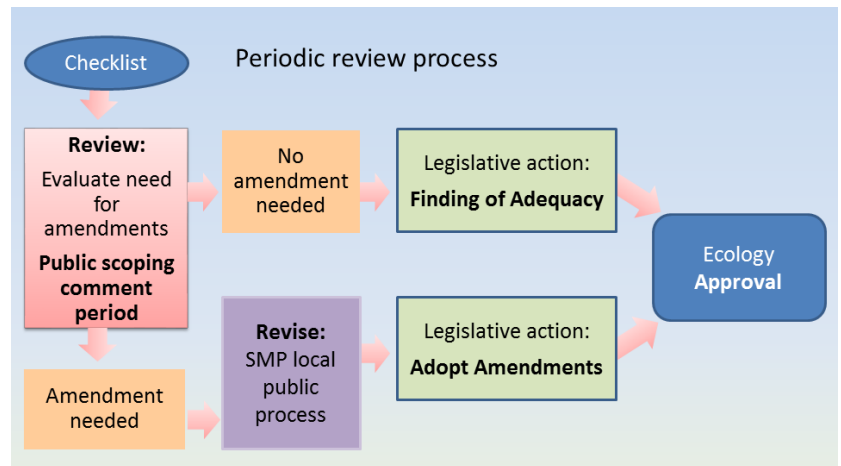


Figure 2. Schematic outline of SMP periodic review process. Ecology final approval triggers an appeal period.

The rule requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process.

For jurisdictions that find no amendments are needed, the scoping could lead directly to final legislative action determining that no amendments are needed ("Finding of Adequacy"). Under the SMA, amendments to SMPs are final only after approval by Ecology. Even when it is determined locally that no amendments are necessary under the periodic review, local governments will submit their Findings of Adequacy to Ecology for review of the local determination and to ensure a definitive conclusion to the periodic review process. If in agreement, Ecology would issue a formal approval. This would provide certainty to all parties that Ecology has concurred with the local determination.

Ecology's approval triggers the appeal period. Any appeals would be of Ecology's action as well as the local government action.

Below is the complete text of Ecology's rule outlining the periodic review requirements and process. The annotation in colored boxes provides context and explanation for each section and is not part of the formally adopted rule.

WAC 173-26-090 - Locally initiated review—Periodic review—Public involvement and approval procedures.

(1) Locally initiated master program reviews

Each local government should review its shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information or improved data.

Local governments are encouraged to consult department guidance for applicable new information on emerging topics such as sea level rise.

The first sentence of §1 has been in place for decades. Ecology retained this direction to emphasize that local governments may amend their SMPs at any time to address changing circumstances, new information or improved data. Ecology's 2017 amendments suggests local governments consult Ecology guidance for information on emerging issues such as sea level rise. Addressing sea level rise is an example of the kind of work that might be most effectively tackled as part of a broader comprehensive plan initiative, rather than during a focused SMA periodic review. Note that §(3)(b)(iii) calls on local governments to consider these kinds of amendments during the mandatory periodic review. The periodic review can be considered a minimum time period to convene a public process to consider as a community whether your SMP remains relevant with changing conditions. However, these kinds of amendments can be conducted at any time.

(2) Periodic review requirements.

(a) Following the comprehensive updates required by RCW 90.58.080(2), each local government shall conduct a review of their master program at least once every eight years on a schedule established in the act. Following the review, local governments shall, if necessary, revise their master programs. This review and revision is referred to in this section as the periodic review.

§ 2 (a) starts with direct quotes from the SMA at RCW 90.58.080(4), with an additional clarification that the rule uses the term “periodic review” for the mandatory eight-year review. The term “comprehensive update” refers to the one-time updates required under RCW 90.58.080(2) with deadlines from 2005 – 2014.

(2)(b) Deadlines for periodic review.

Local governments must take action to review, and if necessary, revise their master programs according to the schedule established in RCW 90.58.080(4)(b). Deadlines for completion of periodic review are as follows:

Table WAC 173-26-090.1 Deadlines for Completion of Periodic Review

Reviews must be completed on or before June 30 of:	Affected counties and the cities and towns within:
2019/2027*	King, Pierce, Snohomish
2020/2028*	Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, Whatcom
2021/2029*	Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, Yakima
2022/2030*	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman

* And every eight years thereafter.

§ 2(b) quotes the statutory directive to review and revise if needed and presents the deadlines in a table.

The statutory requirement is to conduct a periodic review *at least* once every 8 years by June 30 of the year listed. There is no absolute direction in law or rule for how early you can adopt, but as a general guide Ecology recommends conducting periodic review within two years of the deadline. For SMA reviews in particular it will actually be beneficial if local periodic review adoptions are “spread out” around the deadline to distribute the review workload, and ensure Ecology can provide adequate help to individual jurisdictions.

Note that if a local governments simply ignores their deadlines they are potentially vulnerable to a “failure to act” claim before the Growth Management Hearings Boards (for fully planning jurisdictions), or before the Shorelines Hearings Board (for partially planning jurisdictions). Ecology also has authority to adopt SMP amendments by rule under RCW 90.58.070.

(2)(c) Taking legislative action.

(i) The periodic review must be accomplished through legislative action. Legislative action means the adoption of a resolution, motion, or ordinance following notice and a public hearing including, at a minimum, findings that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. Legislative findings that no revisions are needed are referred to in this section as “findings of adequacy.”

(ii) Legislative action includes two components. It includes a review of the shoreline master program and it includes the adoption of either findings of adequacy or any amendments necessary to bring the program into compliance with the requirements of the act.

(iii) Legislative actions concluding the periodic review must be followed by department approval.

§ 2(c) clarifies that statutory review must be concluded with legislative action. In other words, a local government cannot simply conduct a staff-level review, conclude no local action is needed, and be done with the review obligation. Just like under GMA reviews, the review is a formal public process concluding with elected officials taking formal action after a public hearing.

§ 2(c)(i) creates a new term – locally adopted findings that revisions to the SMP are not needed are called “Findings of Adequacy.” § 2(c)(ii) clarifies that legislative action includes a formal public review and formal action, whether the review results in amendments, or simple findings of adequacy where the review reveals no changes to the SMP are needed. § 2(c) (iii) clarifies Ecology approval is needed to conclude local reviews. This provides a definitive end to the local process. Note that an appeal of local periodic review amendments or local findings of adequacy would also be appeals of Ecology’s approval.

(2)(d) The required minimum scope of review.

(i) The purpose and scope of the periodic review as established by the act is:

(A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(ii) The review process provides the method for bringing shoreline master programs into compliance with the requirements of the act that have been added or changed since the last review and for

responding to changes in guidelines adopted by the department, together with a review for consistency with amended comprehensive plans and regulations. Local governments should also incorporate amendments to reflect changed circumstances, new information, or improved data. The review ensures that shoreline master programs do not fall out of compliance over time through inaction.

(iii) The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ecology guidelines. By contrast, the periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.

§ 2(d)(i) and (ii) define the required scope of review consistent with the purpose set in statute.

§ 2(d)(iii) is intended to distinguish the periodic reviews from the one-time comprehensive SMP update. Comprehensive updates involved a complete review of the SMP based on Ecology's 2003 SMA rules, and included extensive inventory work to determine shoreline jurisdiction and analyze existing conditions. Periodic reviews are focused on new laws or rules that were not effect when the comprehensive update was adopted, or new information a local government finds warrants local amendments.

(3) Procedures for conducting periodic reviews.

(3)(a) Public participation program.

(i) In conducting the periodic review, the department and local governments, pursuant to RCW 90.58.130, shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program. Local governments may follow the public participation procedures under either the standard local process outlined in WAC 173-26-100, or the optional joint review process outlined in WAC 173-26-104.

§ 3(a)(i) clarifies that the periodic review is a public process. Even though conducting the review may lead to the conclusion no actual revisions are necessary, the direction in statute for public involvement applies.

(ii) Counties and cities shall establish and broadly disseminate to the public a public participation program identifying procedures whereby review of the shoreline master program will be considered by the local governing body consistent with RCW 36.70A.140. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

The public participation program should include a schedule for the periodic review and identify when legislative action on the review and update component are proposed to occur. The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program. Counties and cities may adjust the public participation program to best meet the intent of the participation requirement.

§ 3(a)(ii) require a public participation program for all jurisdictions, not just those fully planning under GMA. The new additions under (A) and (B) are modified from GMA rules [[WAC 365-196-610\(2\)\(a\)\(i\) and \(ii\)](#)]. The recommendation for a schedule and public scoping addresses Growth Management Hearings Board decisions – highlighting the importance of definitive notice when taking action on periodic reviews.

(3)(b) Review and analysis to determine need for revisions.

(i) Review amendments to the act and shoreline master program guidelines.

Local governments must review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. The department will maintain a checklist of legislative and rule amendments to assist local governments with this review. The department will provide technical assistance to ensure local governments address applicable changes to the act and master program guidelines.

(ii) Review relevant comprehensive plans and regulations.

Local governments must review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them.

WAC 173-26-191(1)(e) and 173-26-211(3) provide guidance on determining internal consistency. It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should document the consistency analysis to support proposed changes.

(iii) Additional review and analysis.

Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data as described under subsection (1) of this section. Local governments should consider whether the significance of the changed circumstances, new information or improved data warrants amendments.

§ 3(b) is based on the Commerce GMA periodic update rule [[WAC 365-196-610\(2\)\(b\)](#)].

§ 3(b)(i) borrows from the Commerce rule in requiring Ecology to maintain a checklist of statutory and rule amendments.

§ 3(b)(ii) references Ecology's existing rules on how to review SMPs for consistency with GMA plans and regulations. (Those rules clarify that local governments are responsible for determining whether their SMP is consistent with other local plans and regulations, and not Ecology).

§ 3(b)(iii) acknowledges local governments may combine locally initiated amendments together with the periodic review.

(3)(c) Take legislative action.

(i) At the end of the review process, counties and cities must take legislative action declaring the review process complete.

(ii) The notice of hearing for legislative actions that are intended to address the periodic review process must state that the actions to be considered are part of the periodic review process under RCW 90.58.080(4).

(iii) The findings for any legislative action on the periodic review process must state that the action is intended to satisfy the requirements of RCW 90.58.080(4).

(iv) A local government that determines after review that amendments are not needed shall adopt a resolution, motion, or ordinance declaring findings of adequacy. Findings of adequacy are a local written determination that no revisions to a shoreline master program are needed to comply with the requirements of RCW 90.58.080(4).

§ 3(c)(i) – (iii) is based on the GMA periodic update rule [[WAC 365-196-610\(2\)\(c\)](#)]. These rules are based on Growth Management Hearings Board decisions that found procedural errors in some local GMA periodic review adoptions. It is important to definitively conclude the periodic review in legislative findings.

§ 3(c)(iv) clarifies that when no changes are needed a local government will adopt formal “Findings of Adequacy.”

(3)(d) Submittal to the department.

(i) A local government that determines amendments are needed shall submit the amendments to the department consistent with WAC 173-26-110.

(ii) A local government that determines amendments are not needed shall submit the following in lieu of the requirements of WAC 173-26-110:

(A) A resolution or ordinance declaring findings of adequacy.

(B) Evidence of compliance with applicable public notice and consultation requirements.

(C) Copies of all public, agency and tribal comments received during any applicable public comment periods, or where no comments have been received, a statement to that effect.

(D) A completed checklist demonstrating review elements have been considered, and are either inapplicable or have already been addressed through previous locally initiated amendments prior to the scheduled periodic review.

§ 3(d)(i) clarifies that when there are amendments, local governments will follow the normal amendment process.

§ 3(d)(ii) provides submittal requirements when there are no amendments – these are the required elements for complete submittal to accompany “findings of adequacy.”

(e) State process for approving periodic reviews.

(i) The department must issue a formal approval of any amendment or findings of adequacy. Department approval is necessary to affirmatively conclude the periodic review process, to confirm that state review of local action has occurred, and to establish a definitive appeal window consistent with RCW 90.58.190.

(ii) Where the local government final action includes master program amendments, local governments and the department shall follow applicable adoption procedures described in WAC 173-26-120.

(iii) Where the local government final action is to adopt findings of adequacy, the department shall follow applicable adoption procedures described in WAC 173-26-120. The department shall review the findings of adequacy solely for consistency with RCW 90.58.080(4) and this section.

§ 3(e)(i) clarifies that Ecology must approve any amendment as well as the “findings of adequacy.” Any appeals would be of Ecology’s approval rather than the local government determination.

§ 3(e)(ii) clarifies that the normal adoption process applies if there are amendments.

§ 3(e)(iii) provides submittal requirements where there are no amendments. Ecology will follow the normal adoption process but substitute review of the local “findings of adequacy” with evaluation of actual amendments.

City of Stanwood
Stanwood, Washington
RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON, ADOPTING THE PUBLIC PARTICIPATION PLAN AND WORK PROGRAM FOR CONDUCTING THE LEGISLATURES MANDATED 2019 SHORELINE MASTER PROGRAM PERIODIC REVIEW UPDATE.

WHEREAS, the City of Stanwood adopted its most recent Shoreline Master Plan and Regulations on October 9, 2014 after an extensive update process, and

WHEREAS, RCW 90.58.080(4) of the State Shoreline Management Act (SMA) requires that the City of Stanwood take legislative action to review its Shoreline Master Program by June 30, 2019, and

WHEREAS, the City anticipates only minor plan amendments to bring the Shoreline Master Plan and Regulations into compliance with state law changes since 2015, and

WHEREAS, to assist SMA planning jurisdictions the State Department of Ecology, which administers the SMA, provides compliance checklists for agencies to review against their local Shoreline Master Programs, and

WHEREAS, Stanwood's planning staff used the Ecology checklists to review the City's SMP for compliance with applicable provisions of the SMA, and

WHEREAS, Stanwood's planning staff have also conducted an initial review of the City's SMP for consistency with the City's current Comprehensive Plan and Development Regulations, and prepared initial considerations of changed circumstances, new information, and improved data relevant to the City of Stanwood's SMP, and

WHEREAS, local governments are required to establish a program that identifies procedures and schedules for the public to participate in the periodic Shoreline Master Program update process, and

WHEREAS, the City of Stanwood's Planning Commission reviewed the Public Participation Plan and Work Program on June 11, 2018 and recommended approval of such plan to the City Council; and

WHEREAS, the City Council reviewed the Draft 2019 Shoreline Master Program - Work Plan, Tentative Schedule, and Public Participation Plan at its regular meeting on June 14, 2018;

NOW, THEREFORE,

THE STANWOOD CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Work Plan, Public Participation Plan, & Tentative Schedule Adoption. The Stanwood City Council hereby adopts the Draft 2019 Shoreline Master Program - Work Plan, Tentative Schedule

and Public Participation Plan which is attached Exhibit A for the 2019 Shoreline Master Program Periodic review.

PASSED AND APPROVED by the City Council of the City of Stanwood this 14th day of June 2018.

CITY OF STANWOOD

By: _____
Leonard Kelley, Mayor

APPROVED AS TO FORM

By: _____
Grant Weed, City Attorney

ATTEST:

By _____
David A. Hammond, City Clerk

Exhibit A
City of Stanwood, Washington

2018 / 2019 Shoreline Master Plan Update
Work Plan, Tentative Schedule and Public Participation Plan

Shoreline Master Plan Work Plan:

The City of Stanwood will be conducting a periodic review of their Shoreline Master Plan; this review will not be a complete re-write of the existing plan, rather it will be a limited update to sections of the Plan that have been affected by new State laws and other minor suggested edits by staff. Below is a general summary of the work plan:

General State Mandated Amendments:

- Definitions
- Exemptions
- Procedures
- Non-Conforming Uses
- Critical Areas

City Suggested Amendments:

- Update the SMP regulations allowing multifamily residential structures in the Shoreline Residential Designation consistent with an administrative interpretation issued on October 5, 2015.
- Review the regulations within the shoreline environment to identify possible locations to provide public access and recreational activities along the Stillaguamish River on publicly owned land.

SMP Update Schedule:

The following is a general timeline, including anticipated public participation opportunities.



Public Participation Plan:

A Public Participation Plan is required describing how Stanwood will encourage early and continuous public participation throughout the SMP update process.

Public Participation Goals:

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Provide forums for formal public input at project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

Public Participation Opportunities:

Stanwood will use a variety of communication tools to inform the public and encourage their participation, including the following:

- Website
- Community Meetings
- Notice / Mailing Lists
- Public Hearings
- News Media
- Coordination with the Department of Ecology

List of Stakeholders:

Stanwood will engage the following stakeholders:

Local Interest Groups:

- Shoreline Residents and Businesses
- Recreational and Water Access Enthusiasts
- Interested Party List

Local Agencies & Tribes:

- Port of Everett
- Snohomish County
- Island County
- Stillaguamish Tribe

State and Federal Agencies:

- Department of Ecology
- Department of Fish and Wildlife
- Department of Natural Resources
- Department of Archaeology and Historic Preservation
- Corp of Engineers



City of Stanwood, Washington

Shoreline Master Program

Periodic Review Public Participation Plan

Introduction

The City of Stanwood is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP 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 City of Stanwood plans and regulations, and is responsive to changed circumstances, new information and improved data. A Public Participation Plan is required to describe how Stanwood will encourage early and continuous public participation throughout the process of reviewing the SMP.

This Public Participation Plan describes the steps that Stanwood will take to provide opportunities for public engagement and public comment, as well as Stanwood's contact information and web addresses. This plan is in addition to any other minimum requirements for public participation required by Stanwood's Shoreline Management Regulations, Code Section SMC 17.150. This plan is a working document and will be adjusted as needed to provide for the greatest and broadest public participation.

1.0 Public Participation Goals

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Provide forums for formal public input at project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

2.0 Public Participation Opportunities

The City of Stanwood is committed to providing multiple opportunities for public participation throughout the process. Stanwood will use a variety of communication tools to inform the public and encourage their participation, including the following:

2.1 Website

Stanwood's website will include a Periodic Review webpage where interested parties can access status updates, draft documents, official notices, minutes and other project information. The webpage will be the primary repository of all information related to the Periodic Review process. The page will include whom to contact for more information and an email link for questions and comments.

2.2 Notice mailing list

An email list of interested parties will be created, advertised and maintained by the City. The list will be used to notify interested parties regarding Periodic Review progress and participation opportunities. Interested parties can be added to the list by contacting the Community Development Department.

2.3 Comment

Interested parties will be encouraged to provide comments to the City of Stanwood by letter or email. All comments will be forwarded to the City Council and Planning Commission. The Periodic Review webpage will be the central repository for information under consideration. Documents will be available for review at the City's Community Development Department, and copies will be provided at the established copying cost.

2.4 Planning Commission

The Planning Commission will be the primary forum for detailed review and recommendations to the City Council. Interested parties are encouraged to attend and provide comments during the Planning Commission deliberations and City Council public hearings. Official notices will be published as established in City policy.

2.5 News media

The local news media will be kept up-to-date on the Periodic Review process and receive copies of all official notices.

3.0 List of stakeholders

Many different users and interest groups have a stake in the shorelines in the City of Stanwood. The following key stakeholders in the City's Shoreline Master Program periodic review and update are:

Local Interest Groups:

- Shoreline Residents and Businesses
- Recreational and Water Access Enthusiasts
- Interested Party List

Local Agencies & Tribes:

- Port of Everett
- Snohomish County
- Island County
- Stillaguamish Tribe

State and Federal Agencies:

- Department of Ecology
- Department of Fish and Wildlife
- Department of Natural Resources
- Department of Archaeology and Historic Preservation
- Corp of Engineers

4.0 Public Participation Timeline

The following is a general timeline including anticipated public participation opportunities. The City of Stanwood will coordinate with the Department of Ecology throughout the process. A detailed timeline will be posted on the Periodic Review webpage.

Task	Estimated Date
Review Existing Plan / Regulations for Consistency with State Requirements	June 2018
Evaluate Shoreline Access and Uses	Summer / Fall 2018
Public Open House on Access and Use Options	Summer / Fall 2018
Draft Plan	Fall / Winter 2018
Public Review of Draft Plan	Winter 2019
Planning Commission Public Hearing(s)	Spring 2019
City Council Public Hearing(s)	Spring 2019
Adoption by Department of Ecology	Summer 2019

5.0 Public Comment Periods and Hearings

The Planning Commission will conduct a public comment period and at least one public hearing to solicit input on the Periodic Review. The City Council will hold one public hearing before final adoption. Stanwood will coordinate with the Department of Ecology on public notification of comment periods and hearings to take advantage of Ecology's optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104).

Public notice of all hearings will state who is holding the comment period and/or hearing, the date and time, and the location of any public hearing. Notices will be published per official policy and comply with all other legal requirements such as the Americans with Disabilities Act. A notice will be sent to the email list and the Department of Ecology.



City of Stanwood

Stanwood, Washington

Shoreline Master Plan Periodic Update

SMP Checklist • June 2018

The Washington State Shoreline Management Act requires Cities and Counties to update their Shoreline Master Plans every eight (8) years on a staggering schedule off set from the Comprehensive Plan updates. The Legislature requires that all cities in King, Pierce and Snohomish Counties update their Shoreline Master Plans by June 30, 2019.

Stanwood last updated its Shoreline Master Plan in October of 2014; therefore, this periodic update will focus on amendments to state law, rules and changes in local circumstances since the City's SMP was adopted.

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger an update to Stanwood's Shoreline Master Plan. The review column shows the City's response to those laws and rules. The action column will be filled out with the City's final changes to the Shoreline Master Plan and Regulations.

State Law and Regulations:

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMC 17.150.067, Exemptions, lists exemptions allowed under state law. Update this section to reference state statute RCW 90.58.030 to avoid the need for future changes.	
b.	Ecology amended rules to clarify that the definition of "development" does not include dismantling or removing structures.	SMC 17.20.050 "D" includes the definition of "Development". Update this definition to include Ecology's new recommended language.	
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	Create a new section to call out exceptions separately from exemptions.	
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	SMC 17.150.080, Rulings to State, references state law; no amendment needed.	No Action Required

Row	Summary of change	Review	Action
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Update SMC 17.20.050 “D” to include the definition of Development as it relates to Forest Practice permits.	
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Add Federal jurisdiction exclusion to new exceptions section.	
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Update SMC 17.150.064, 065, 066 and 17.20.150 “N” to reflect rules and definitions relating to Nonconforming Uses, Buildings and Lots.	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Update SMC 17.150.087 to reflect periodic review option.	
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	SMC 17.150.087 currently references Chapter 173-26 WAC; no amendment needed.	No Action Required.
j.	Submittal to Ecology of proposed SMP amendments.	Add reference to WAC 173-26-110 to SMC 17.150.091.	
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	Add ADA Exemption to SMC 17.150.067 (or eliminate entire list and simply reference RCW 90.58.030)	
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Update SMC 17.114, Critical Areas, Wetlands and Streams with Ecology’s methodology and buffer requirements.	
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Update SMC 17.150.061, 17.81A and 17.81B, review procedures, to include WSDOT permit review targets.	
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit	Update SMC 17.150.067 with new dollar thresholds to require a Substantial	

Row	Summary of change	Review	Action
	(SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	Development Permit on dock replacements and repair.	
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	There are no FOWR's in Stanwood; however, the Planning Commission may want to consider adding them to the list of prohibited uses listed in SMC 17.150.029.	
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	SMP appeal process not outlined in the SMC.	No Action Required.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Update SMC 17.114, Critical Areas, Wetlands and Streams with Ecology's methodology and buffer requirements.	
b.	Ecology adopted rules for new commercial geoduck aquaculture .	No geoduck aquaculture in Stanwood.	No Action Required.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	There are no floating homes in Stanwood.	No Action Required.
d.	The Legislature authorized a new option to classify existing structures as conforming .	Review SMC 17.150.064 to determine if wetland or stream buffer changes create non-conforming buildings and if so consider classifying those residential buildings along Church Creek as conforming structures.	
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	The SMC does not reference the "effective date" of SMP amendments.	No Action Required.
2009			
a.	The Legislature created new "relief" procedures for instances in which a shoreline restoration project within a UGA creates a	Changes in the OHWM from restoration projects are exempt from SMP	No Action Required.

Row	Summary of change	Review	Action
	shift in Ordinary High Water Mark.	requirements are listed in SMC 17.150.067(17).	
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Mitigation Banks are encouraged: SMC 17.114.180.	No Action Required.
c.	The Legislature added moratoria authority and procedures to the SMA.	Moratorium criteria listed in SMC 17.150.085.	No Action Required.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Update floodway definition in SMC 17.20.050 "F".	
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	Rivers and streams are noted in several places: SMP and critical areas regulations. SMC 17.150.012: Shoreline Overlay Districts SMC 17.150.022: No Net Loss of Ecological Functions SMC 17.130.060: Standard Buffer Width Requirements	No Action Required
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	Fish habitat enhancement projects are exempt from the Shoreline Substantial Development permit process: SMC 17.150.067(15).	No Action Required.

Stanwood SMP Clarification:

Multifamily Residential Dwellings			
	The City of Stanwood issued an administrative interpretation declaring MF residential structures are allowed in the Shoreline Residential Designation.	SMC 17.150.014, Shoreline Purpose, 17.150.029, Permitted Use Table, and other relevant sections will be updated to reference multifamily residential structures.	

Stanwood Changing Circumstances:

Shoreline Public Access and Uses		
	Review the regulations within the shoreline environment to identify possible locations to provide public access and recreational activities along the Stillaguamish River on publicly owned land.	SMC 17.150.014, Shoreline Purpose, 17.150.029, Permitted Use Table, and other relevant sections will be evaluated and updated to allow public access and recreational uses such as trails, boardwalks, open space areas, viewpoints, and /or wetland enhancement areas.