

Town of Concrete Shoreline Master Program 2021 Periodic Review and Update

Subject: Staff Report

Date: April 26, 2021, Amended June 7, 2021

Prepared by: Graham – Bunting Associates



Background: The Town of Concrete adopted its current Shoreline Master Program (SMP) in March, 2013 under authority of the Shoreline Management Act (Chapter 90.58. RCW) and related rules set forth in the Washington Administrative Code (WAC). WAC 173-26-090(2) requires all local governments to review their SMPs on an eight-year schedule set in state law and revise them, if necessary. The review is conducted to ensure the SMP keeps up with changes in state laws, changes in the local government's comprehensive plan and development regulations and other changed circumstances such as new information, or improved data. The Town received a grant from the Washington State Department of Ecology (Ecology) to conduct the SMP periodic review. The scope and intent of the review is summarized below:

Scope and Intent: The periodic review is intended to satisfy Ecology's criteria outlined under WAC 173-26-201(c) to ensure that proposed amendments:

- Will not foster uncoordinated and piecemeal development of the state's shorelines
- Is consistent with all applicable policies and standards of the Shoreline Management Act
- Meets all procedural rule requirements for public notice and consultation
- Satisfies master program guidelines analytical requirements and substantive standards, including that amendments will not result in a net loss of shoreline ecological functions

Public Participation - While the scope of review and proposed amendments to the SMP are relatively minor, public participation is provided via a series of open public zoom meetings with the Town Council, Issuance of a SEPA Threshold Determination and a joint review process that combines local and Ecology comment periods, as allowed under WAC 173-026-104. The combined notice was published in the Skagit Valley Herald on April 29, 2021 and closes on May 29, 2021. A joint public hearing is scheduled for June 14, 2021. The Town's website provides access to all materials generated through the periodic review process at: <http://townofconcrete.com/planning.php>. As of June 7th no comments have been received in response to the combined notice or SEPA threshold determination.

Periodic Review Checklist – Ecology provided a periodic review checklist summarizing laws and rules developed by the state since adoption of the Town's SMP in 2013. The checklist was utilized to assist in determining which laws and rules are applicable to the Town's shorelines and which should be considered for amending the Town's SMP. Of the seventeen laws and rules developed by the state since 2013, nine were considered inapplicable to the Town's shoreline areas or to be sufficiently addressed in the current SMP, while eight were determined to be appropriate candidates for amending the SMP. The basis for this assessment is contained in the periodic review checklist which is also available for review on the website.

Consistency with Comprehensive Plan – The Town’s comprehensive plan and development regulations were reviewed to determine consistency with the SMP. The Growth Management Act (GMA) requires internal consistency between comprehensive plan elements and implementing development regulations including the SMP. In addition the GMA also calls for external coordination and consistency of comprehensive plans among bordering jurisdictions under RCW 36.70A.100. There have been no substantial changes to the Town’s comprehensive plan or development regulations with the exception of critical area regulations and it has been determined to be internally and externally consistent with the Town’s Development Regulations and Skagit County, comprehensive plan.

Critical Area Regulations – The Town’s critical area regulations (CARs) were amended in 2020 under Chapter 16.12 of the Concrete Municipal Code (CMC). The amended CARs incorporate relevant guidance from Ecology including adoption of the 2014 Wetland Rating System for Western Washington and recommended buffer table associated with avoidance and minimization of wetland impacts. Discussion with Ecology staff resulted in a recommendation to adopt the amended CARs by direct reference and delete specific references to critical area standards included in the 2013 SMP including removal of CARs currently under Attachment B of the SMP. By simple adoption of CARs by direct reference under Chapter 16.12 of the CMC the Town will not need to revise future iterations of the SMP to remain consistent with CARs as they may change. The amended CARs can be reviewed at: <https://www.codepublishing.com/WA/Concrete/html/Concrete16/Concrete1612.html>

Changing Shoreline Conditions – A site inspection of current shoreline conditions within the Town’s municipal boundaries was made on March 25, 2021 by Graham-Bunting Associates. The review was conducted to determine if conditions had changed since the adoption of the SMP in March 2013. No significant changes were observed. Particular attention was paid to the Natural Shoreline Designation for the west bank of the Baker River below the Lower Baker Dam. The designation criteria associated with this natural designation criteria outlined under subsection 5.2.3 of the SMP were determined to be accurately applied. There are no amendments proposed in conjunction with the shoreline designations or the shoreline designation map. The map is also available for review on the website.

Proposed Amendments to the SMP – Proposed amendments as identified in the Periodic Review Checklist are identified through highlighted strikeouts and underlines in the Draft SMP listed below by section, subsection and page. The proposed amendments can be reviewed in the context of the SMP Periodic Review Draft document included on the website:

Section 7 - Integration of Critical Areas, Subsections 7.1, 7.2, 7.3, 7.4, 7.5, pages 26, 27, 28, 29

Section 8 - Policies and Regulations, Subsection 8.3 – Clearing and Grading, pages 37, 38, 40

Section 9 – Administrative Procedures, Subsection 9.3 Shoreline Permit Requirements – Exemption from Substantial Development 9.3.1 – pages 69, 70, 71

Section 10 – Definitions – page 79

The only other proposed change in the SMP is the deletion of Attachment B Critical Area Regulation discussed earlier on this page.