

Frequently Asked Questions

Comprehensive and Periodic Update of the Shoreline Master Program

What is a Shoreline Master Program (SMP)?

A Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:

- Encourages reasonable and appropriate development of shorelines with an **emphasis on water dependent uses**, which when developed are consistent with the control of pollution and prevention of damage to the natural environment, such as docks, marinas, and recreational facilities, or industries and commercial uses that require a shoreline location and support economic development; and,
- **Protects the natural resources and character of the shorelines**, the land, vegetation, wildlife, water, and aquatic life within shoreline environment; and,
- **Promotes public access** and provides opportunities to enjoy the aesthetic qualities of the natural shorelines and recreational activities in shoreline areas.

Where does this apply?

“Shorelines of the state” include rivers and streams with mean annual flow more than 20 cubic feet per second, lakes 20 acres or larger, and all marine shorelines. Shorelines of the state in Maple Valley include Lake Wilderness, Lake Lucerne, and Pipe Lake. Shoreline jurisdiction extends 200 feet landward of the water’s edge and additionally includes associated wetlands.

What is a comprehensive and periodic update of the SMP?

Shorelines in the City of Maple Valley are currently regulated by the King County Shoreline Master Program from 2013. In 2006, the City nearly completed a comprehensive SMP document, but the process was never finalized nor was the draft SMP document approved by the Department of Ecology. Additionally, Washington state law requires jurisdictions to review and update their SMPs every eight years in accordance with the Shoreline Management Act (SMA) and its current guidelines and legislative rules to attain state approval. This comprehensive and periodic update process will seek to finalize and update the 2006 Draft SMP document.

This comprehensive and periodic update process will focus on:

- Updating and finalizing the 2006 Draft SMP document;
- Reviewing relevant legislative updates since the 2006 Draft SMP document was produced and incorporating any applicable amendments;
- Ensuring consistency with Maple Valley’s 2016 Comprehensive Plan Update; and
- Ensuring compatibility with other City regulations.

How do shoreline regulations apply to land use and development activities?

Shoreline regulations apply to any change in land use or development activity that occurs within the shoreline jurisdiction, as defined in the SMP. Included in those modifications and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks; (docks)
- Land development and alteration, such as clearing, grading, dredging, or filling; and
- Other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access.

What is a Shoreline Exemption and what is required to obtain approval?

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but are not exempt from compliance with the Shoreline Master Program. Exemptions are issued in writing by the City after the submission of a complete application, including a site plan. Even though an activity is exempt from requiring a Substantial Development Permit, a conditional use or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

How does the SMP affect existing uses and development?

SMP regulations are not retroactive. SMP regulations apply to *new* development and uses. Existing uses and developments legally established may be repaired, maintained and operated. The SMP applies to proposals for expansion or alteration of existing uses and structures.

Structures and uses that were legally established in the past may become legally nonconforming due to new shoreline rules that are adopted over time. Current SMP regulations allow these previously built structures and established uses to continue as they are presently operating. Residential structures that were legally established and are used for a conforming use, but that do not meet current SMP standards (e.g. height, buffers, setbacks, etc.) are considered conforming structures.

What is public access to shorelines? When is it required?

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, new public access is only required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and for public uses. Public access requirements do not allow for trespass on private property.

What is No Net Loss?

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the Citywide existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. Simply stated, the no net loss standard is designed to balance the introduction of new impacts to shoreline ecological functions resulting from new development through mitigation sequencing and restoration. The City must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. Any amendments to the SMP that may occur through the periodic update process would need to comply with the no net loss standard.

Restoration Planning

What is Restoration?

As defined in the Washington Administrative Code (173-26-020(31)), restoration “means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.”

What is a Restoration Plan?

The Restoration Plan is a non-regulatory tool for local jurisdictions, non-profit organizations, and other entities to voluntarily implement projects and programs that improve degraded functions. A Restoration Plan includes opportunities, priorities, and timelines for shoreline restoration. Local governments are required to complete a Restoration Plan as part of the SMP update process, and to include a strategy for implementing or facilitating implementation of the Plan. A Restoration Plan can increase the likelihood for success of interested parties in obtaining grant funds to put the Plan into action.

Can restoration be required?

No. Restoration is not a requirement for private development. The SMP can only require applicants to mitigate the adverse ecological impacts of a project proposal. However, an SMP may include incentives that encourage shoreline restoration.

How can I get more information?

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<https://www.maplevalleywa.gov/>

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