Shoreline Master Program
Update Taken Region-Wide

The Washington State Shoreline Management Act its associated rules require local governments to develop and administer shoreline master programs that include policies and regulations that govern designated shorelines within their respective jurisdictions. The Kittitas County SMP was adopted in 1975 and has been relied on by Kittitas County, as well as the Cities of Ellensburg and Cle Elum and the Town of South Cle Elum (Cities/Town), for shoreline regulations. Kittitas County and the Cities/Town are required to update and adopt SMPS by December 1, 2013 (RCW 90.58(2)(a)(v)).

The Washington State Legislature has provided grant funding through the Washington Department of Ecology (Ecology) for local governments to update their shoreline master programs. Kittitas County and the Cities/Town have agreed, through an Interlocal Agreement to coordinate the SMP update using grant funding from Ecology.

Kittitas County and the Cities/Town have also agreed on a Public Participation Program, including a related update process timeline. Kittitas County will have the lead role in conducting the Public Participation Program, which is designed to engage the public within the unincorporated County and within the Cities/Town.

The Interlocal Agreement, Public Participation Program, project timeline, and other materials are available at the County’s SMP update project webpage: [http://www.co.kittitas.wa.us/cds/smp/default.asp](http://www.co.kittitas.wa.us/cds/smp/default.asp).

What has Happened so Far in the Process?

Shoreline Master Program updates are done in six phases, as recommended by the Department of Ecology:

1. First, determine the preliminary shoreline jurisdiction, or where the SMP applies, and draft a public participation plan. This phase has been completed.
2. Second, inventory, analyze, and identify shoreline function, ecosystem processes, public access, and shoreline use, and potential protection and restoration areas. A draft report summarizing the inventory and analysis activities is now available for public review. A draft report summarizing the inventory and analysis activities is now available for public review. A draft report summarizing the inventory and analysis activities is now available for public review. This report can be downloaded from the SMP project webpage under the heading “TAC Meeting on June 8, 2012”:[http://www.co.kittitas.wa.us/cds/smp/meetings.asp](http://www.co.kittitas.wa.us/cds/smp/meetings.asp)
3. The third phase involves development of actual policies and regulations for the County’s shorelines. This phase is now beginning and will conclude this fall.
4. The next phase analyzes the cumulative impacts of the draft SMP, demonstrates the draft regulations will result in no net-loss of shoreline ecological function, and identifies ways to restore already lost ecological function.
5. In the fifth phase the County and the Cities and Town will adopt individual SMPs. The jurisdictions will work together to develop policies and regulations that are as consistent as possible across jurisdictional boundaries.
6. The final phase of the SMP update process is to submit the adopted SMPs to Ecology for approval.

Since April, the jurisdictions have been working with a Technical Advisory Committee (TAC) to provide guidance and technical expertise through phases one and two. This TAC will continue to meet throughout the process, in addition to a Citizen Advisory Committee, which will be convened in September to participate in phase 3 and beyond.

Below are some frequently asked questions about shoreline master programs and how they are updated.

What is a shoreline master program?
Shoreline master programs carry out the policies of the Shoreline Management Act at the local level, regulating use and development of shorelines. Local shoreline programs include policies and regulations based on state laws and rules but tailored to the unique geographic, economic, and environmental needs of each community. Under the Act, each town, city and county with "shorelines of the state" must develop and adopt its own shoreline program. "Shorelines of the state" generally refers to rivers, larger lakes, and marine waterfronts along with their associated shorelands, wetlands, and floodplains.

Updating a shoreline program is a complex and time-consuming process. It is estimated that the Kittitas Regional SMP will take three years to complete. Throughout this process, Kittitas County, Ellensburg, Cle Elum, and South Cle Elum will engage and seek input from the public, interested agencies, and affected tribes.

What do shoreline master programs do?
Development of a shoreline master program begins with an inventory and analysis of all shoreline areas in a given jurisdiction. Shoreline master programs help local governments avoid or lessen environmental damage as shoreline areas are developed. Based on current conditions and long-term needs, shoreline master programs reserve appropriate areas for water-oriented uses. They promote public access opportunities. Master programs include requirements for new development to stay well away from flood, landslide, erosion hazard and wetland areas. They are more than simply plans. A master program combines local plans for future shoreline development and identifies areas appropriate for restoration and preservation. They include state guidelines as well as local policies and related specific permitting requirements.

Why is this shoreline master program update required?
In 2003, the state Legislature set up a timetable for local governments to update local shoreline master programs. The County’s SMP has not been comprehensively updated since 1975. Since voters passed the Act in 1972, Washington’s population nearly doubled from about 3.4 million to 6.7 million. The old shoreline master programs need to be reviewed and updated to address current conditions, consider new science, and become better aligned with other related laws. An effective shoreline master program update will reduce unsustainable development and provide shoreline land owners with a clearer set of standards.

What is the role of local governments in shoreline management?
Local governments are responsible for starting the shoreline master program planning, deciding which areas are in shoreline jurisdiction, analyzing the present uses and long-term needs for waterfront lands, and locally adopting a shoreline master program. The County and the cities/town will work together during the planning and analysis phases, but each jurisdiction will eventually adopt its own individual shoreline master program.

During the Regional SMP update, the county, cities, and town will consult with other agencies, tribal governments, interested individuals, and advisory committees. Once the individual shoreline master programs are adopted, the local government (i.e. the county, city, or town) will be the shoreline master program administrator. The local government will review new development proposals and use the permit system to decide what is consistent with state law and the local program.

Who approves local shoreline master programs?
Each local government adopts its individual program after a public review and comment period. Then local government sends the shoreline master program to Ecology, who reviews it for consistency with state guidelines. Ecology must approve the locally adopted and submitted master program, before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption.

Who pays to have a local master program updated?
The Shoreline Management Act requires the state to provide “reasonable and adequate” funding for shoreline master program updates. Ecology gives the money provided by the Legislature to local governments in the form of grants. Kittitas County, the Cities of Cle Elum and Ellensburg, and the Town of South Cle Elum were jointly awarded a grant of $690,000 to be used between 7/1/2011 and 6/30/2014 to fund the Regional Shoreline Master Program update.

Aren’t requirements for shoreline vegetation buffers a “taking” of private property rights?
No. The U.S. Constitution allows state and local governments to limit private property activities provided it’s for a legitimate public benefit and they do not deprive the landowner of all reasonable use of the property. For example, state and local
governments can adopt regulations that prevent sediment from running off private property and entering a salmon-spawning stream. These regulations protect salmon, a public resource. In most cases, buffers do not deprive landowners of all reasonable use of their property and, in fact, all property tends to benefit from reasonable setbacks and buffers. In those limited instances where the buffer precludes or significantly interferes with a reasonable use, the property owner may obtain a variance.

**What is “no net loss” of ecological or environmental functions?**

The new environmental protection standard for updated shoreline master programs is “no-net-loss of shoreline ecological functions.” While restoration of degraded areas is encouraged, this does not mean all shoreline areas are required to be made “pristine” or returned to pre-settlement conditions. Local governments are required to inventory current shoreline conditions – including identifying existing ecological processes and functions that influence physical and biological conditions. When a shoreline program is adopted,

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**Lake Kachess, a designated shoreline in Kittitas County**

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Seeking Community Input!

The success of the Regional SMP update depends on meaningful public participation. The SMP planning team invites anyone interested the shorelines of Kittitas County, Ellensburg, Cle Elum, and South Cle Elum to complete a **community visioning questionnaire**.

Questionnaire responses will help the jurisdictions set goals and strategies for the updated SMPs, and create policies that achieve the community vision, consistent with state law and guidelines.

Request a copy of the questionnaire from the Kittitas County Community Development Services or complete the questionnaire online and email it back. Download the questionnaire here: [http://www.co.kittitas.wa.us/cds/smp/involvement.asp](http://www.co.kittitas.wa.us/cds/smp/involvement.asp)
existing ecological conditions on the ground must be protected while development of shoreline areas is continued in accordance with adopted regulations. This is accomplished by avoiding or minimizing the introduction of impacts to ecological functions that result from new shoreline development.

What are differences between critical areas ordinances and shoreline master programs?
Local governments and Ecology implement the Shoreline Management Act using locally-tailored Shoreline Master Programs. Local governments implement critical areas ordinances under the authority of the state Growth Management Act. The two laws have many similar requirements for environmental protection but they are administered with different kinds of regulatory procedures. The two laws also have many similar and some different objectives for dealing with future land use and development. Integrating Growth Management and Shoreline Management Act goals, policies, and regulations is required but often difficult to accomplish. Kittitas County is currently updating its Critical Areas Ordinance.

How do Shoreline Master Programs apply to farms/agriculture?
A 2002 state law requires when local shoreline programs are updated, the new standards, setbacks and buffers do not apply retroactively to existing agricultural development. Updated shoreline program requirements will, however, apply to new agricultural activities located in designated shoreline areas and where agricultural activities are converted to other uses.

STAY INFORMED!
For more information about the Regional SMP update, including dates for public meetings and to sign-up for email alerts, visit the Regional SMP update webpage: http://www.co.kittitas.wa.us/cds/smp/default.asp
Also see information from the Department of Ecology: http://www.ecy.wa.gov/programs/sea/shorelines/smp/citizen.html