



SHORELINE MASTER PROGRAM UPDATE

Draft Public Participation Plan

City of Black Diamond, Washington



October 29, 2008

Prepared by AHBL, Inc. for the City of Black Diamond

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Note: The schedule for the Public Participation Plan may be revised based on City Council input or if adjustments become necessary due to unforeseen circumstances. The City recognizes that DOE grant funds must be expended in accordance with the grant agreement. Funding for public participation efforts will be dependent on DOE funding, including release of Year 3 funds.

Introduction

SMP Basics and Key Project Themes

The City of Black Diamond is planning to update the Shoreline Master Program in accordance with the Washington State Shoreline Management Act (SMA) and the Department of Ecology (DOE) Shoreline Master Program (SMP) Guidelines. Public participation will be an essential component in the development of a new SMP to guide the management of the City's shorelines. The SMP applies to shorelines of the state, generally including lakes greater than 20 acres and streams with a flow greater than 20 cubic feet per second, along with shorelands within 200 feet of the ordinary high water mark of these water bodies and associated wetlands (RCW 90.59.030). Within the City of Black Diamond, the area regulated under the SMP includes Lake Sawyer and associated wetlands.

Lake Sawyer is a natural 286 acre lake, the fourth largest in King County, and has a watershed of approximately 8,300 acres square. In addition to the shoreline jurisdiction of the lake there is an associated wetland to the northeast of the lake and a large complex of associated wetlands to the south of the lake that fall within shoreline jurisdiction.

The following key project themes will be important to stress throughout the public involvement program. These messages will guide the overall outreach program and will be promoted through communication materials and outreach opportunities facilitated by City staff, the Consultant and advisory committee members.

- The SMP is required by Washington State Law and we are required to follow the process and incorporate the requirements of the SMA and the DOE SMP Guidelines.
- The SMP is a partnership between the local governments and DOE. The SMP must be developed by Black Diamond, but it must be adopted by both the City and DOE.
- The goal of the SMP is to create a balanced plan for shoreline utilization and protection.
- The outcome of the SMP process is not predetermined. State law dictates required elements and even specific standards in some cases, but there is a degree of latitude in the way the elements are prescribed and the requirements can be crafted with particular attention to the City's vision, provided they achieve the minimum requirements.
- The SMP is an element of the Black Diamond Comprehensive Plan and the City's development regulations. Locally determined land uses, critical areas regulations and watershed plans will be factored into the SMP.
- Public involvement is a State requirement and key component of the SMP update. The City of Black Diamond is committed to meeting and exceeding basic legal requirements to involve the public and identify or affirm a collective vision and management strategy for our shorelines.
- Public involvement will be important throughout the SMP development process. Ultimately it will be the City Council and DOE that will decide the final plan outcome, however the City will strive to develop a plan that has the support of the community and stakeholders.
- City staff will ensure that timely, useful, understandable and pertinent project information is easy to obtain.

Background on the Shoreline Management Act (Act) and SMPs

In 1971 the Washington State Legislature passed the SMA and it was adopted by the public in a 1972 referendum. State shoreline use and development is governed by the SMA and the primary goals of this law are to balance responsible shoreline development with environmental

protection and public access. Under the SMA, each city and county with "shorelines of the state" must develop and adopt its own shoreline master program to regulate local shoreline use and development.

Washington State's Shoreline Management Act (SMA) requires jurisdictions that contain "shorelines of the state" within their boundaries to periodically update their Shoreline Master Programs (SMPs). The City of Black Diamond incorporated in 1959. The King County SMP was adopted by reference when the area surrounding Lake Sawyer was annexed in 1998. Since that time the DOE has adopted updated SMP Guidelines (2003) which require cities and counties across the state (about 250 in all) to update their local SMPs to comply with the new rules. The City of Black Diamond is beginning the SMP update process and will complete the update by June 2012.

Public Participation Requirements

One of the key aspects in developing any master program, as set forth by RCW 90.58.020, is the opportunity for/incorporation of public involvement and participation into the process:

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

- (1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and*
- (2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.*

Additional public participation provisions under WAC and RCW also apply to the SMP update process (See Attachment A for applicable state law). These have been incorporated by reference into public participation requirements under the 2003 DOE Guidelines (see WAC 173-26-201(2)(3)(b)).

Local governments are required to describe and document their public participation methods to ensure that all interested parties have a meaningful opportunity to participate. In addition, prior to undertaking substantial work, local governments must:

- Notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input.
- Notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input.

DOE Guidelines thus require that public participation begin at the beginning of the initial phase of the SMP update planning process and continue through adoption.

To meet these requirements, we have developed a public participation plan that:

- Identifies specific objectives,
- Identifies key parties (Planning Commission, City Council, advisory committee members, shoreline property owners, state agencies, Tribes, local residents, neighboring jurisdictions, etc.),
- Identifies outreach strategies, tools and techniques,
- Establishes timelines for public participation activities.
- Engages all parties early and continuously in the update process, particularly those relevant individual recreationists and conservationists or organizations that may not typically seek involvement in new shoreline regulations.
- Documents all public outreach and public events related to SMP development.

Public participation in the SMP development and update process is not only required by law, we believe it is the critical component for the successful creation and implementation of shoreline regulations. As such, the Black Diamond Public Participation Plan is an important tool to help guide this process. This Plan not only meets State requirements, but is tailored to address the priorities and issues of the local community.

Roles and Responsibilities

The City of Black Diamond is responsible for all aspects of the SMP update. The City will be the primary developer of the SMP and the primary regulator under the SMP. The Washington State Department of Ecology (DOE) will act in a support and review capacity. Ecology is also required to approve some permits (e.g. shoreline variances and conditional use) and must approve new or amendment shoreline master programs.

The primary contact for the Black Diamond SMP Update is:

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Public Participation Plan Objectives

The overarching goal of Black Diamond's Shoreline Master Program (SMP) public participation plan is:

To build support for timely adoption of a high quality SMP Update that:

- Meets and exceeds state guidelines;
- Encourages the input of stakeholders;
- Educates the public about the Shoreline Management Act;
- Nurtures a culture of shoreline stewardship in as many stakeholders as possible; and
- Gains the informed consent of stakeholders and decision makers.

The Public Participation Plan has been designed to:

- Comply with Washington State law and DOE Guidelines;
- Be consistent with the Black Diamond Comprehensive Plan;
- Reflect the unique local characteristics of Black Diamond and its citizens;
- Harness the energies and knowledge of shoreline property owners, members of the City's Planning Commission and other stakeholders to ensure that public issues and concerns are understood, considered and incorporated in the outcomes wherever possible; and
- Build on the experiences, observations and suggestions of City staff, DOE staff and a wide range of other Puget Sound cities and counties.

Comprehensive Plan Guidance

The City of Black Diamond's Comprehensive Plan outlines a collective vision developed through a public process that addresses the community's desired level of involvement in local decision-making:

Citizens actively participate in an effective and open government decision-making process that reflects community values. There will be good cooperation among nearby jurisdictions, and adequate public services and environmental protection to provide a safe and healthy quality of life for all citizens, from children to seniors.

While the comprehensive plan does not provide specific policies to guide the public participation, it does state that the comprehensive planning process "should be approached as continuous, with ongoing review and updating as necessary to reflect changes that occur over time. This plan should be reviewed annually and amended as appropriate". Because consistency between the comprehensive plan and SMP are required, it can be assumed that the SMP public participation process should meet the community's vision.

Guiding Principles

Following are guiding principles for public participation that will guide the Shoreline Master Program Update public participation process:

- Communicate the purpose, scope, objectives, and credibility of the Shoreline Master Program and the corresponding public process. This includes the communication of process basics at the start of the Update and throughout the duration of the process (e.g., schedule, decision milestones, progress, and opportunities for involvement).
- Conduct public involvement consistent with the Black Diamond Comprehensive Plan, the Shoreline Management Act and the expectations of our stakeholders for transparent, open and responsive government.
- Focus on establishing credibility for the Update process with stakeholders from the onset and clearly communicating state requirements and areas in the scope of local influence.
- Obtain and use input from local stakeholders about opportunities and problems rather than solely relying on the opinions of "experts".
- Key outreach efforts will include, but are not limited to the following groups:
 - Shoreline property owners

- City residents
- Planning Commission, City Council and City departments
- Lake Sawyer Regional Park and Lake Sawyer Boat Launch users
- Adjacent property owners who may be impacted by or have a particular interest in lake access issues
- The under-represented and hard-to-reach
- Conservationists
- Other local community groups and organizations that have a particular interest in Black Diamond's shorelines
- Local water-related and water-dependent uses
- State and Federal Agencies with jurisdiction and neighboring jurisdictions
- Define and effectively communicate the roles and interests of all participants
- Address the concerns of the local community
- Keep all written communication clear, concise, objective, and free of technical jargon
- Use the City website, City mailings, local newspapers and other media to provide general information to the public at large
- Distribute information/feedback regularly to participants and at intervals to interested/affected parties
- Use community resources and energies effectively and efficiently, and consider the relative cost-effectiveness of alternative techniques to achieve objectives
- Follow-up on public input by:
 - Informing affected/interested parties of project outcomes
 - Evaluating the process to identify successes and shortcomings, and communicate results to participants
 - Evaluating the project's effects on community relationships and on perceptions of effectiveness of City processes

Key Challenges and Opportunities

- Clarifying the purpose of an SMP, the regulations behind the SMP update process and how these relate to the local community (e.g. provide for public access and public enjoyment of the shoreline, promote water dependent uses, protect shoreline functions, etc.)
- Distinguishing public outreach for the SMP update effort from other public outreach efforts and/or integrating with parts of other public outreach efforts where appropriate.
- Recognize and overcome barriers of participants and the public participation process: time, physical, social, etc.
- Understand that public meetings can be contentious, and employ public facilitation skills that foster creativity, and encourage civility and mutual respect among all parties. Strategies to achieve this goal may include:
 - Deal openly with differing levels of knowledge and conflict in order to maximize public input.
 - Balance proactive and reactive techniques to ensure input is representative and inclusive.

- Address both agreement on validity of the facts and understanding of varied opinions and values.
- Conduct broad outreach efforts as well as targeted efforts to attract specific shoreline stakeholders and groups.
- Sustain local interest and participation from stakeholders throughout the Update process.

Specific Parties to Contact and Engage

Specific parties to engage during the Shoreline Master Program update include the following:

- Shoreline Master Program Citizen Advisory Committee (CAC)
- Black Diamond City Staff
- Black Diamond City Council
- Black Diamond Planning Commission
- Lake Sawyer property owners
- Local residents
- Lake Sawyer Community Club
- Lake Sawyer Water Quality Committee
- Friends of Rock Creek
- State agencies that may have useful information or a regulatory or management interest in Lake Sawyer
- Soos Creek Water and Sewer District
- Covington Water District
- South King County Regional Water Association
- King County Fire District #44
- Puget Sound Energy
- King County Wastewater
- Neighboring jurisdictions of Maple Valley, King County, Covington, Auburn, Kent and Enumclaw
- Mukleshoot Indian Tribe
- Puyallup Indian Tribe
- Nisqually Indian Tribe
- Department of Fish and Wildlife
- US Army Corps of Engineers
- Department of Ecology

Comparison of Public Participation Tools

Below is a comparison of some of the primary public participation tools typically used in public outreach efforts for a project of this type. The City has decided not to use polling as it is labor intensive and generally does not facilitate the same level of community

investment in the issues/process when compared with public meetings. A more detailed description of the City's selection of public participation tools is outlined in the next section.

- CAC/AD HOC COMMITTEE (a temporary committee composed of members of the Planning Commission, and other stakeholders whose charge is to receive information about the process, applicable laws and the resources and make informal policy and regulatory recommendations through a series of public meetings)

Tips:

- Know the individual participants and their issues
- Prepare a well-planned and structured meeting, but provide time for more informal input, private communication and one-on-one conversations to accommodate different styles and get the most out of group members.
- Try to get agreement about basic facts and allow for differences of opinions and values

Advantages:

- Excellent for discussions on criteria or analysis of alternatives
- Ability to draw on other team members to answer difficult questions
- Builds credibility with key stakeholders
- Maximizes feedback obtained from participants
- Good forum for achieving informed consent
- Develops a core set of knowledgeable people who can communicate the project goals and specifics to a larger audience

Possible drawbacks:

- Certain members may dominate group discussion
- Viewpoints of group members may not reflect wider interests
- Care must be taken to choose range of members that are a good reflection of larger community
- Active facilitation necessary

- PUBLIC MEETING/WORKSHOP (an informal public meeting that may include a presentation or drop-in information stations and exhibits, but usually ends with interactive working groups)

Tips:

- Know how you plan to use public input before you hold the workshop
- Identify and if necessary train small group facilitators in advance of the meeting. Each should receive a list of instructions, especially where procedures involve weighting/ranking of factors or criteria

Advantages:

- Excellent for discussions on criteria or analysis of alternatives
- Fosters small group or one-to-one communication
- Ability to draw on other team members to answer difficult questions
- Builds credibility
- Maximizes feedback obtained from participants
- Fosters public ownership in solving the problem

Possible drawbacks:

- Hostile participants may resist what they perceive to be the "divide and conquer" strategy of breaking into small groups
- Several small-group facilitators may be necessary

- Difficult forum for achieving informed consent
- DELIBERATE POLLING (measures informed opinion on an issue)
 - Tips:
 - Do not expect or encourage participants to develop a shared view
 - Hire personnel experienced in this technique
 - Advantages:
 - Can tell decision-makers what the public would think if they had more time and information
 - Exposure to different backgrounds, arguments, and views
 - Possible drawbacks:
 - Resource intensive and prohibitive for this project
 - Does not effectively build a sense of stewardship or informed consent

Public Outreach Methods

After reviewing available techniques, the City has determined that a CAC composed of, but not limited to, members of Planning Commission, shoreline property owners, park users, environmental community, development community and other stakeholders will be a primary vehicle for public involvement. Regular meetings of the CAC will be used to get input and obtain informed consent on updates to the City's SMP. The City will work with the Consultant so that group members are carefully chosen to try and reflect the range of interests, expertise, and viewpoints found in the City. The CAC will be used as "listening device" to gather community issues and shoreline information and as a "sounding post" to get feedback on opportunities, policies and regulatory standards.

The City will also host one Public Meeting/Workshop, with Consultant assistance, during the SMP update process. This meeting will likely occur during Phase 3 as part of a Community Visioning process, however, the number of public meetings/workshops and when they occur will be at the City's discretion and will be dependent on the budget.

In addition to the CAC, the City will prepare written and visual SMP project updates and post them at City Hall, potentially other community locations, and on the City's website. The City will make special use of the City website, City Connection and/or the local papers for public outreach. Early in the project the City will also prepare an informational mailing to send to all property owners within the shoreline jurisdictional area informing them of the project and how they can provide input. All public communications will include contact information for additional project information.

The City will actively communicate with all neighboring cities, Pierce county, federal, state and local government agencies and tribes that have information or could be affected by the SMP Update.

The SMP will be reviewed by the Planning Commission in a series of at least three meetings. Study sessions will be held with the City Council, culminating at least one public hearing prior to City Council action. Other public outreach tools may be included as determined by the City. The proposed combination of public involvement tools will ensure that there are sufficient opportunities for everyone to provide input on this SMP update that wants to do so.

Project Timeline: Opportunities for Public Input

October – December 2009

Phase 1: Preliminary Assessment of Shorelines

1. Prepare Draft Public Participation Plan
 - a. Prepare draft for client review
 - b. Prepare draft for DOE review
2. Notify state agencies and affected tribes
 - a. Create agency and tribe mailing list.
 - b. Craft and mail letter requesting all available and relevant information.
3. Notify public about initiation of Shoreline Master Program Update Process
 - a. Create project title/slogan for easy, positive recognition.
 - b. Provide project information on the City's website, the newspaper, City Hall and potentially other in key locations to inform the general/larger public.
 - c. Identify several strategies for how to reach property owners and residents.
 - d. Send an informational mailing to all property owners within the Shoreline jurisdictional area.
 - e. Consider a wider mailing, possibly even to all property owners within the City of Black Diamond, as this may be feasible based on the small size of the City.

January 2010 – July 2010

Phase 2: Shoreline Inventory, Analysis and Characterization

1. Establish Shoreline Master Program Citizen Advisory Committee (Winter 2010)
 - a. Identify and contact interested parties identified through research and input from City staff, as well as members of the Planning Commission, shoreline property owners, and other stakeholders that represent the range of interests and expertise found in the City for membership on the CAC.
 - b. Include a clear statement of the required commitment, timeline and project process "snapshot" visual for inclusion in the mailing to prospective CAC members.
 - c. If we encounter difficulty identifying CAC members, work with City Staff and possibly City Council members to encourage participation or consider using additional Planning Commission members.
 - d. Send out an early "heads up" notice to members identified for participation on this CAC. Plans currently call for a CAC of 7 members.
2. CAC Meeting #1 (Spring 2010) – Establish common base of knowledge – Shoreline Analysis and Characterization
 - a. Review project objectives, scope and opportunities for stakeholder influence.
 - b. Share scientific information that has been collected through shoreline analysis and characterization reports and maps.

- c. Provide an opportunity for stakeholders to provide anecdotal information and first-hand knowledge of habitat features, history, opportunities and problems.
 - d. Share photos of nearshore conditions, educate about related ecological functions and obtain citizen preferences on shoreline opportunities
 - e. Bring in outside speaker(s) (check on local watershed planning groups/WRIA outreach, DOE, NOAA Fisheries, and the County for possible speakers).
 - f. Identify shoreline management issues of local concern.
3. Website Project Update #1 (Spring/Summer 2010)
 - a. Post project update describing key findings of the shoreline analysis and characterization at City Hall and on the City's website.
 - b. Consider issuing a broader press release

August 2010 – March 2011

Phase 3: Draft SMP and Cumulative Impacts

1. Public Meeting #1 - Shoreline Visioning (Summer 2010)
 - a. Advertise and hold a public open house to explain Update process.
 - b. Clearly identify the role of the SMA, CAC, the scope of State requirements and local influence.
 - c. Share information from the Shoreline Inventory and Characterization Report, including maps and key findings.
 - d. Provide education on shoreline functions, impacts and preferred uses.
 - e. Seek input on Shoreline vision and public access.
 - f. Seek input on resource protection and restoration
 - g. Seek public input on shoreline conditions, issues and opportunities.
2. CAC Meeting #2 (Summer/Fall 2010) – Review and Discuss proposed Shoreline Environmental Designations, Goals and Policies
 - a. Review and discuss proposed general SMP policies and regulations.
 - b. Review and discuss proposed environmental designations.
 - c. Explore and document stakeholders' views about specific possible changes to the SMP.
3. CAC Meeting #3 and #4 (Fall 2011) – Review and Discuss proposed changes to Specific Shoreline Use and Modification Polices, Regulations and Standards
 - a. Review and discuss proposed shoreline use and modification activity goals and policies by environmental designation.
 - b. Review and discuss proposed permitted and prohibited uses by environmental designation.
 - c. Review and discuss bulk dimensional standards (buffers, setbacks, density, etc.) by environmental designation.
4. Website Project Update #2 (Winter 2011)
 - a. Issue press release and website project update describing preliminary DRAFT SMP goals, policies, and regulations.
 - b. Encourage public input on preliminary Draft SMP.

5. City Council Update (Winter/Spring 2011)
 - a. Provide a brief update to Council members on the first community meeting to discuss community priorities and concerns.

April – November 2011

Phase 4: Restoration Planning and Re-Visit SMP as Necessary

1. Website Project Update #3 (Spring 2011)
 - a. Post revised Draft SMP
 - b. Post website project update describing the upcoming Cumulative Impacts Analysis and Draft Restoration Plan.
2. CAC Meeting #5 (Summer 2011) – Review and Discuss Cumulative Impacts Report, Draft Restoration Plan and any necessary changes to the Draft SMP as a result
 - a. Review and discuss report on Cumulative Impacts
 - b. Review and discuss Draft Restoration Plan
 - c. Solicit input on
 - i. How to increase public shoreline access,
 - ii. Past shoreline restoration efforts, and
 - iii. Specific opportunities for shoreline restoration in the future.
3. City Council Update (Summer 2011)
 - a. Meet with City Council to discuss draft SMP and discuss any significant changes or revisions to components of the draft SMP.
4. Complete all revisions to SMP documents based on additional analysis and public input received to date (Fall 2011)

November 2011 – June 2012

Phase 5: Shoreline Master Program Adoption Process

1. Website Update #4
 - a. Post a website update and issue press release describing timeline for Planning Commission and City Council adoption process.
2. Series of study sessions and public hearings held by the Black Diamond Planning Commission and City Council. Draft is adopted by City and sent to DOE by January 2012.
3. Following City Council action, distribute to stakeholders the City Council's response to input and any final DOE comments and revisions prior to final adoption (by June 30, 2012)

Attachment A – Applicable Sections of the Washington Administrative Code (WAC) and Revised Code of Washington (RCW)

State Rule (W.A.C.) Requirements for Public Involvement, Communication, and Coordination

1. Document public involvement throughout SMP development process and comply with local process for approving and amending shoreline master programs.
 - a. WAC 173-26-201(3)(b)(i)
 - b. WAC 173-26-090 and 100
 - c. For Shorelines of Statewide Significance, see WAC 173-26-251(3)(a)
2. Document communication with state agencies and affected Indian tribes throughout SMP development.
 - a. WAC 173-26-201(3)(b)(ii) and (iii)
 - b. WAC 173-26-100(3)
 - c. For SSWS, see WAC 173-26-251(3)(a)
3. Comply with the public participation requirements of the growth management act (see RCW 36.70A.130.140 140 and related WAC).

The text of the WAC sections cited above and the WAC and RCW sections they refer to are included below:

WAC 173-26-201(3)(b)(i)

(b) Participation process.

(i) **Participation requirements.** Local government shall comply with the provisions of RCW [90.58.130](#) which states [in its entirety]:

"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."

Additionally, the provisions of WAC [173-26-100](#) apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW [36.70A.140](#) also apply.

At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

(c) **Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state agencies, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable interjurisdictional shoreline inventory and planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from interjurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

WAC 173-26-090 Periodic review -- Public involvement encouraged -- Amendment of comprehensive plans, development regulations and master programs.

Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW [90.58.080](#) and any applicable guidelines issued by the department. When the amendment is consistent with chapter [90.58](#) RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, 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, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter [36.70A](#) RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW [36.70A.130](#). 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.

WAC 173-26-100 Local process for approving/amending shoreline master programs.

Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter [36.70A](#) RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC [365-195-600](#).

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
 - (a) Reference to the authority(s) under which the action(s) is proposed;
 - (b) A statement or summary of the proposed changes to the master program;
 - (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
 - (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
- (3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
- (4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
- (5) Solicit comments on the draft proposal from the department prior to local approval.

For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW [36.70A.106](#);

(6) Comply with chapter [43.21C](#) RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

[Statutory Authority: RCW [90.58.140](#)(3) and [\[90.58\].200](#). 96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

WAC 173-26-251 Shorelines of statewide significance.

(1) **Applicability.** The following section applies to local governments preparing master programs that include shorelines of statewide significance as defined in RCW [90.58.030](#).

(2) **Principles.** Chapter [90.58](#) RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW [90.58.020](#) states:

"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary."

Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW [90.58.090](#)(5) states:

"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."

Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. The state's interests may vary, depending upon the geographic region,

type of shoreline, and local conditions. Optimum implementation may involve ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives.

Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

(3) **Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

(b) **Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

(c) **Priority uses.** Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW [90.58.020](#) (1) through (7). More specifically:

(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.

(ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.

(iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

(d) **Resources of statewide importance.** Establish development standards that:

(i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.

(ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.

(iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

(e) **Comprehensive plan consistency.** Assure that other local comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and optimum implementation directives of chapter [90.58](#) RCW into comprehensive plan provisions and implementing development regulations.

[Statutory Authority: RCW [90.58.060](#) and [90.58.200](#). 04-01-117 (Order 03-02), § 173-26-251, filed 12/17/03, effective 1/17/04.]

RCW 90.58.130 Involvement of all persons and entities having interest, means.

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.

[1971 ex.s. c 286 § 13.]

RCW 36.70A.140 Comprehensive plans -- Ensure public participation.

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public

comments. In enacting legislation in response to the board's decision pursuant to RCW [36.70A.300](#) declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed. [1995 c 347 § 107; 1990 1st ex.s. c 17 § 14.]

WAC 365-195-600 Public participation.

(1) **Requirements.** Each county and city planning under the act shall establish procedures for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive plan or development regulations invalid if the spirit of the procedures is observed.

(2) **Recommendations for meeting requirements.** The recommendations made in this subsection are intended as a list of possible choices, but it is recognized that meaningful public participation can be accomplished without using all of the suggestions made here or by adopting other methods.

(a) Public involvement in plan and regulation development.

(i) In designing its public participation program, each planning jurisdiction should endeavor to involve the broadest cross-section of the community, so that groups not previously involved in planning become involved. The programs should include efforts to explain that citizen input is an essential part of the planning process and provide a framework for advising citizens about timelines for steps in the process and when citizen input will be sought.

(ii) Visioning. The public should be involved at the earliest possible time in the process of comprehensive planning under the act. This should begin with a visioning process in which the public is invited to participate in a broad definition of the kind of future to be sought for the community. The results of this process should then be incorporated into the plan features, including, but not limited to, locally adopted levels of service and densities selected for commercial, industrial, and residential development.

(iii) Planning commission. In the process of plan development, full use should be made of the planning commission as a liaison with the public.

(iv) Public meetings on draft plan. Once the plan is completed in draft form, or as parts of it are drafted, a series of public meetings or workshops should be held at various locations throughout the jurisdiction to obtain public reaction and suggestions.

(v) Public hearings. When the final draft of the plan has been completed, at least one public hearing should be held prior to the presentation of the final draft to the legislative authority of

the jurisdiction adopting it. When the plan is proposed for adoption, the legislative authority should conduct another public hearing prior to voting on adoption.

(vi) Written comment. At each stage of the process when public input is sought, opportunity should be provided to make written comment.

(vii) Communication programs and information services. Each jurisdiction should make every effort to collect and disseminate public information explaining the act and the process involved in complying with it. In addition, locally relevant information packets and brochures should be developed and disseminated. Planners should actively seek to appear before community groups to explain the act and the plan development process.

(viii) Proposals and alternatives. Whenever public input is sought on proposals and alternatives, the relevant drafts should be reproduced and made available to interested persons.

(ix) Notice. Notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media. Notice should be published in a newspaper of general circulation at least one week in advance of any public hearing. When appropriate, notices should announce the availability of relevant draft documents on request.

(x) All meetings and hearings to which the public is invited should be free and open. At hearings all persons desiring to speak should be allowed to do so, consistent with time constraints.

(xi) Consideration of and response to public comments. All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

(xii) Every effort should be made to incorporate public involvement efforts into the SEPA process.

(xiii) Except for the visioning effort, the same steps should precede the adoption of development regulations as was used for the comprehensive plan.

(b) Continuous public involvement. The planning commission should monitor development of both the plan and the development regulations. After these are adopted, the commission should monitor compliance. The commission should report to the city or county at least annually on possible amendments to the plan or development regulations. In addition at least annually, the commission should convene a public meeting to provide information on how implementation is progressing and to receive public input on changes that may be needed. When any amendments are proposed for adoption, the same public hearing procedure should be followed as attended initial adoption. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-600, filed 11/17/92, effective 12/18/92.]