



King County

**Metropolitan King County Council
Mobility and Environment Committee**

STAFF REPORT

Agenda Item:	8	Name:	Jenny Ngo
Proposed No.:	2020-0394	Date:	January 27, 2021

SUBJECT

Proposed Ordinance 2020-0394 would amend King County Code (K.C.C.) 20.12.200, a section of the Shoreline Master Program, to make a technical date change required by the Department of Ecology.

SUMMARY

In September 2020, the Department of Ecology reviewed two ordinances, Ordinances 19128 and Ordinance 19146, pertaining to the Comprehensive Plan update and the floodplain development regulations. During the review of these ordinances, the Department of Ecology identified a correction needed to K.C.C. 20.12.200 to update an ordinance and date to help identify which version of a code section applies. Proposed Ordinance 2020-0394 would amend K.C.C. 20.12.200, a section of the Shoreline Master Program, to make a technical date change required by the Department of Ecology.

BACKGROUND

In 2019, King County completed a periodic review of the Shoreline Master Program (SMP) under Ordinance 19034. After adoption of Ordinance 19034, King County adopted two additional ordinances, Ordinances 19128 and 19146, which pertains to the Comprehensive Plan update and the floodplain development regulations, respectively. These two ordinances include amendments to code and policies that are part of the Shoreline Master Program. Under the Shoreline Management Act, when an ordinance affects code and policies that are part of the Shoreline Master Program, the Department of Ecology is required to review and approve the ordinance.

In September 2020, the Department of Ecology reviewed Ordinances 19128 and 19146 and contacted the County identifying changes necessary to approve the ordinances. As part of the Department of Ecology's initial review, it was determined that K.C.C. 20.12.200, which establishes which sections of code comprise the County's Shoreline Master Program, must include an ordinance and date to establish a version to which all sections are current.

ANALYSIS

K.C.C. 20.12.200 identifies which existing code sections are part of the County's Shoreline Master Program and is comprised of various sections of the zoning code that affect critical areas or the shoreline environment. These sections apply both inside and outside the shoreline jurisdiction. For areas outside the shoreline jurisdiction, an ordinance becomes effective under the County's normal legislative process. However, for sites within the shoreline jurisdiction, ordinances do not become effective until 14 days after approval by the Department of Ecology following the county's normal legislative process. Under Washington Administrative Code (WAC) 173-26-191(2)(b), when a shoreline master program includes regulations incorporated by reference, there must be a specific, dated edition. Additionally, if there are changes to the referenced regulation, "the edition referenced within the master program will still be the operative regulation" and "changing the referenced regulations in the master program to the new addition will require a master program amendment".

As currently written, K.C.C. 20.12.200 states "The King County shoreline master program consists of the following elements in effect on the effective date of this ordinance." "This ordinance" refers to Ordinance 19034 adopted under the County's periodic review process in 2019 and would not capture changes for later ordinances, including Ordinances 19128 and 19146. Proposed Ordinance 2020-0394 would modify K.C.C. 20.12.200 as follows:

A. The King County shoreline master program consists of the following elements (~~in effect on the effective date of this ordinance~~), enacted on or before the date of enactment of this ordinance (Proposed Ordinance 2020-0xxx):

This change would reflect two updates. The first update would use Proposed Ordinance 2020-0394 as the ordinance and date to which the shoreline master program is current. The second update would provide clarity through using an enactment date rather than an effective date, removing confusion as to whether the County's effective date or the Department of Ecology's effective date should be used.

ATTACHMENTS

1. Proposed Ordinance 2020-0394
2. Department of Ecology Complete Submittal Letter