

# City of Langley SMP Periodic Review

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## **Draft** Gap Analysis

Prepared for:



City of Langley  
Community Planning & Building Department  
PO Box 366  
112 Second Street  
Langley, WA 98260

Prepared by:



750 Sixth Street South  
Kirkland . WA 98033

p 425.822.5242  
f 425.827.8136  
watershedco.com

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## Attachments

Attachment A: Periodic Review Checklist

## 1. Introduction

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In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with “Shorelines of the State” are required to conduct a periodic review of their Shoreline Master Programs (SMPs; WAC 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

Shorelines of the State in the City of Langley (City) include those associated with the shoreline of Puget Sound. The City adopted its current SMP in 2013. The current SMP includes goals and policies, shoreline environment designations, and development regulations that guide the development and protection of shoreline areas.

As a first step in the periodic review process, the current SMP was reviewed to better understand what aspects may require or benefit from revisions. The purpose of this SMP Gap Analysis is to provide a summary of the review and inform the SMP periodic review process. This document is organized into the below sections according to the content of the review.

- **Section 2** identifies gaps in consistency with state laws, rules and implementation guidance.
- **Section 3** identifies gaps in the SMP related to critical areas regulations.
- **Section 4** identifies shoreline-related gaps in the City’s comprehensive plan and other development regulations, specifically the zoning code.
- **Section 5** identifies City staff-recommended amendments.

Each section of this document presents findings in a table. Where potential revisions are identified, they are classified as follows (except in Section 5, Staff-recommended Amendments):

- **“Mandatory”** indicates revisions that are required for consistency with state laws.
- **“Recommended”** indicates revisions that improve consistency with state laws, but are not strictly required.
- **“Optional”** indicates revisions that amend the SMP in accordance with state laws, but are not necessarily required or recommended for consistency with state laws.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1-1 for ease of reference.

Table 1-1. Abbreviations used in this document.

<b>Abbreviation</b>	<b>Meaning</b>
City	City of Langley
Ecology	Washington State Department of Ecology
LMC	Langley Municipal Code
RCW	Revised Code of Washington
SMA	Shoreline Management Act
SMP	Shoreline Master Program
WAC	Washington Administrative Code

## 2. State Laws, Rules & Implementation Guidance Gap Analysis

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This section identifies gaps in consistency with state laws, rules and implementation guidance. This analysis is based on Ecology’s Periodic Review Checklist. A completed version of the Periodic Review Checklist is appended to this document as Attachment A.

Overall, few mandatory amendments are identified in the completed Periodic Review Checklist, with several more indicated as recommended or optional. In general, the potential amendments identified in the Periodic Review Checklist are minor in nature. They primarily concern amendments to exemptions, definitions, and administrative procedures.

## 3. Critical Areas Regulations Gap Analysis

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The current SMP adopts by reference specified critical areas regulations in the version of LMC Chapter 16.20 dated May 5, 1992 (Ordinance 619, 1992) and last amended November 18, 2005 (Ordinance 861, 2005). The current SMP also sets forth some exceptions to the applicability of these critical areas regulations within shoreline jurisdiction.

In general, given the age of the critical areas regulations, some aspects of the regulations may be in need of updating. This is particularly the case for the wetland regulations, for which extensive new guidance was issued by Ecology in 2016. Local jurisdictions are not required to overhaul their critical areas regulations as part of the periodic review of their SMP; however, SMP provisions must be based on the most current, accurate, and complete scientific or technical information available.

Accordingly, some refinements related to critical areas regulations could be made as part of the periodic review, particularly concerning the integration of critical areas regulations into the SMP and wetland buffers. Potential gaps in the integration of critical areas regulations are summarized below in Table 3-1.

Table 3-1. Summary of potential gaps in shoreline critical areas regulations.

No.	Topic	Review	Action
1	Applicable version of critical areas regulations	The SMP adopts by reference (at 4.3.2, A.1) specified provisions of LMC Chapter 16.20 dated May 5, 1992 (Ordinance 619, 1992) and last amended November 18, 2005 (Ordinance 861, 2005). LMC Chapter 16.20 has had some limited amendments since 2005 (the most recent amendment dates to 2013), though the amendments do not appear to concern provisions adopted by the SMP. The version of Chapter 16.20 adopted by the SMP is not readily available to SMP users to confirm the regulations that apply in shoreline jurisdiction.	<p><b>Potential action identified:</b> <i>Recommended:</i> Ensure the adopted version of LMC Chapter 16.20 is readily available to SMP users in the future. Attaching the adopted version of LMC Chapter 16.20 as an appendix would clarify the applicable version.</p> <p>→ <b>Proposed action:</b> Shoreline critical areas regulations to be adopted by reference. City will ensure applicable version of critical areas regulations is readily available to SMP users.</p>
2	Applicable critical areas regulations	The SMP adopts by reference (at 4.3.2, A.1) specified regulations of LMC Chapter 16.20 dated May 5, 1992 (Ordinance 619, 1992) and last amended November 18, 2005 (Ordinance 861, 2005). The current SMP (at 4.3.2, A.2) also sets forth some exceptions to the applicability of these critical areas regulations within shoreline jurisdiction. Some critical areas regulations that are currently excluded from the SMP could be included. Conversely, some regulations that are currently included could be excluded.	<p><b>Potential action identified:</b> <i>Mandatory:</i> Review the regulations of LMC Chapter 16.20 to ensure that the regulations have been appropriately included or excluded.</p> <p>→ <b>Proposed action:</b> Integration of critical areas regulations has been revised at 4.3.2, A.1 and .2.</p>
3	Wetland buffers	Wetland buffer widths in LMC Chapter 16.20 (at LMC 16.20.065.B.1) do not meet current state guidance.	<p><b>Potential action identified:</b> <i>Mandatory:</i> Update wetland buffers widths that apply under the SMP to meet current state guidance.</p> <p>→ <b>Proposed action:</b> Updated wetland buffers that apply under the SMP at 4.3.2, A.2.c.</p>

## 4. Comprehensive Plan & Other Development Regulations Gap Analysis

Table 4-1 summarizes shoreline-related gaps in the City’s comprehensive plan and other development regulations, including LMC Title 18, Zoning. In general, the review found no major issues or inconsistencies, but did reveal some areas where the application of shoreline provisions could be enhanced.

Table 4-1. Summary of shoreline-related gaps in in the comprehensive plan and LMC Title 18, Zoning.

No.	Topic	Review	Action
1	Relationship of SMP to comprehensive plan	Under state law, the goals and policies of a SMP are considered an element of a jurisdiction’s comprehensive plan. The City’s comprehensive plan, in “Purpose of the Comprehensive Plan,” incorporates the SMP by reference. Also, under “Growth Management Act Goals,” the comprehensive plan states that “The goals and policies of the State Shoreline Management Act (RCW 90.58.020) are goals and policies of the Growth Management Act.” However, the comprehensive plan does not make it explicit that the goals and policies of the SMP are considered an element of the comprehensive plan.	<p><b>Potential action identified:</b> <i>Recommended:</i> When amending the comprehensive plan, explicitly indicate that the goals and policies of the SMP are considered an element of the plan.</p> <p>→ <b>Proposed action:</b> Language indicating that the goals and policies of the SMP are considered an element of the comprehensive plan to be added to comprehensive plan in 2021.</p>
2	Shoreline regulations in zoning code	LMC Title 18, Zoning, includes LMC Chapter 18.31, Shoreline Regulations. To consolidate shoreline-related regulations, the limited contents of this chapter might be able to be incorporated into the SMP or other chapters of the zoning code. Reference to this chapter is not currently included in the SMP. This chapter also includes a reference to “Chapter 173-14 WAC” (at LMC 18.31.020.A) that should be revised to “Chapter 173-27 WAC.”	<p><b>Potential action identified:</b> <i>Optional:</i> Consider whether the contents of LMC Chapter 18.31, Shoreline Regulations, could be incorporated into the SMP or other chapters of the zoning code. If this chapter is retained, provide references to it in the SMP as appropriate. If the language at LMC 18.31.020.A is kept, update the reference to “Chapter 173-14 WAC.”</p> <p>→ <b>Proposed action:</b> LMC 18.31.020.A to be retained and updated,</p>

## 5. Staff-recommended Amendments

City planning staff have proposed a variety of amendments based on their experience implementing the SMP. Table 5-1 identifies more substantive staff-recommended amendments.

Several other more minor amendments have also been recommended by City staff. These amendments are proposed to update references, improve formatting, reduce duplicative content, etc. These amendments are not identified in Table 5-1.

Table 5-1. Staff-recommended amendments.

No.	Topic	Review	Staff Recommendation
1	Shoreline environment designations	The map of shoreline environment designations in the SMP (Figure 2) is inconsistent with the textual descriptions (at 3.3, Shoreline Environment Designations).	<p><b>Potential action identified:</b> Ensure the map of shoreline environment designations and the textual descriptions are consistent.</p> <p>→ <b>Proposed action:</b> New map of shoreline environment designations added as Appendix A. Textual descriptions at 3.3 revised. Map and text now consistent.</p>
2	Height limits	The SMP includes a regulation stating that “no new or expanded structure shall exceed a building height of 18 feet, 6 inches above the deck surface...” (at 4.2.2, 14). Applicability of this regulation is unclear and inconsistent with the height limits in Table 2.	<p>→ <b>Proposed action:</b> Consider deleting this regulation from the SMP.</p> <p>→ <b>Proposed action:</b> Regulation deleted.</p>
3	Buffers/setbacks	The SMP references the critical areas code for buffers and setbacks in proximity to geologically hazardous areas. The critical areas code (at LMC 16.20.045(C)) establishes a minimum buffer of 50 feet from steep slopes and landslide hazard areas. A building setback of 15 feet from the edge of the buffer is also required.	<p><b>Potential action identified:</b> Consider whether this buffer should be increased.</p> <p>→ <b>Proposed action:</b> Consider during next update of Citywide critical areas regulations.</p>
4	Buffers/setbacks	The SMP (at 4.3.2, C.2) establishes a 25-foot buffer for the Urban shoreline environment designation.	<p><b>Potential action identified:</b> Consider whether this buffer should be increased.</p> <p>→ <b>Proposed action:</b> None.</p>

No.	Topic	Review	Staff Recommendation
5	Buffers/setbacks	The SMP (at 6.5.2, 16) states: "For new development adjacent to Seawall Park, there shall be a minimum setback of 20 feet measured from the back of the seawall to enhance public access." Table 2 specifies a buffer of 25 feet.	<p><b>Potential action identified:</b> Consider whether this regulation is needed given the 25-foot buffer required by Table 2.</p> <p>→ <b>Proposed action:</b> Delete regulation 6.5.2, 16, and rely on the buffer of 25 feet specified in Table 2.</p>
6	Structures in Urban shoreline environment designation	The SMP (at 4.3.2, D.2.b) includes a regulation requiring that if any new structure or expansion of an existing structure will increase the total impervious surface in the buffer by more than 200 square feet, then enhancement of an equal area of the setback with native vegetation must be provided.	<p><b>Potential action identified:</b> Remove 200 square-foot threshold.</p> <p> → <b>Proposed action:</b> 200 square-foot threshold removed.</p>
7	Residential development	The SMP (at 6.8.2.4) states: "New residential construction and additions to residential structures that increase net impervious surface by 200 feet or more shall be required to provide a detailed drainage plan as part of any permit application." The 200-foot threshold is too high for drainage plan.	<p><b>Potential action identified:</b> Remove 200 square-foot threshold.</p> <p>→ <b>Proposed action:</b> 200 square-foot threshold removed.</p>
8	Sea level rise	The SMP has a policy (at 4.4.1, 6), which states: "When reviewing projects that could be affected by sea level rise adjust development standards such as building setbacks or elevation as necessary to minimize potential damage from flooding." Policy provides support for enhanced sea level rise policies and regulations.	<p><b>Potential action identified:</b> Consider adding policies and regulations to the SMP that further implement this policy.</p> <p>→ <b>Proposed action:</b> Several new policies and regulations related to sea level rise  added to SMP.</p>
9	Sea level rise/bulkheads	The SMP (at 5.1.2, 18) states: "Except in areas subject to coastal flooding as defined by FEMA, the maximum height of the proposed bulkhead is no more than one foot above the elevation of the extreme	<p><b>Potential action identified:</b> Consider revising regulation to reflect sea level rise.</p> <p>→ <b>Proposed action:</b></p>

No.	Topic	Review	Staff Recommendation
		high water on tidal waters as determined by the National Ocean Survey, published by the National Oceanic and Atmospheric Administration.” Bulkhead height may be insufficient due to sea level rise.	Regulation deleted and replaced by 5.1.2, 15.i and 20.f. 
10	Sea level rise/flood hazard	The SMP has a policy (at 4.4.1, 1), which states: “The City should prevent the need for flood control works by limiting new development in flood-prone areas consistent with FEMA regulations and flood mapping.” FEMA regulations do not account for sea level rise.	<b>Potential action identified:</b> Consider updating this policy to reflect sea level rise. <b>→ Proposed action:</b> Several new policies and regulations related to sea level rise added to SMP.
11	View corridors	The SMP refers to designated “view corridors” in multiple locations (4.9.1, 4; 4.9.2, 4; 8.1.1, 125).	<b>Potential action identified:</b> <b>Remove</b> references to “view corridors” as no such corridors have been designated or are planned to be designated. <b>→ Proposed action:</b> Removed references to “view corridors”.
12	Vegetation removal	The SMP features multiple references to “excessive” vegetation removal (4.5.1, 7; 4.9.1, 2; 4.9.2, 3). SMP lacks clarity as to what constitutes “excessive” vegetation removal.	<b>Potential action identified:</b> Consider establishing some guidelines to help define what constitutes “excessive” vegetation removal. <b>→ Proposed action:</b> Additional guidelines added to 4.9.2, 3, as well as a definition of “significant vegetation removal,” from WAC 173-26-020(38).
13	Buoys	Table 1 currently indicates that buoys are a conditional use in all shoreline environments.	<b>Potential action identified:</b> Amend the SMP such that buoys are a permitted use. <b>→ Proposed action:</b> Table 1 amended such that buoys are now permitted use in all shoreline environments.

No.	Topic	Review	Staff Recommendation
14	Existing, legally nonconforming single-family residential	Table 1 indicates that detached single-family residential is not permitted in the Urban shoreline environment designation. For existing, legally nonconforming single-family residential, the SMP should clearly indicate what development activities are allowed.	<p><b>Potential action identified:</b> Ensure the SMP (at 7.9 Non-conforming Uses, Structures and Lots) clearly indicates what development activities are allowed for existing, legally nonconforming single-family residential.</p> <p>→ <b>Proposed action:</b> New regulation based on WAC 173-27-080(2)(c) added to address for existing, legally nonconforming single-family residential.</p>
15	Moorage for water-related and water-enjoyment uses	The SMP has a policy (at 5.3.1, 5) which states: "Moorage for water-related and water-enjoyment uses should be allowed only as part of a mixed use development and should include public access." Applicability of this regulation is unclear.	<p><b>Potential action identified:</b> Consider deleting this policy from the SMP.</p> <p>→ <b>Proposed action:</b> None.</p>
16	Float planes	The SMP does not provide regulations that specifically address float planes (except for noise at 4.2.2, 7).	<p><b>Potential action identified:</b> Consider adding regulations to address potential float plane use in Langley.</p> <p>→ <b>Proposed action:</b> None.</p>

