



# Shoreline Master Program (SMP)

**2019-2021 Periodic Review**

*WA Dept of Ecology Jeremy Sikes and Lauren Bromley  
City of Spokane Melissa Wittstruck, Assistant Planner*

*December 1, 2020*



# Shoreline Master Program Periodic Reviews

City of Spokane and Ecology  
Joint City-State SMP Periodic Review Public

Public Meeting  
12.1.2020

Jeremy Sikes, Senior Shoreline Planner  
Lauren Bromley, Shoreline Planner – ERO



# Shoreline Management Act (SMA) - RCW 90.58

*“...to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.” RCW 90.58.020*

## SMA Policy Areas:



- Environmental protection



- Public Access



- Water-dependent and preferred uses



# Shoreline Master Programs (SMPs)

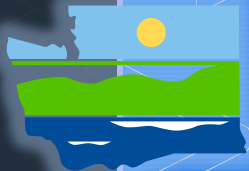
**RCW 90.58.050** - establishes a cooperative program of shoreline management between local government and the state.

**Local government** - initiates the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter.

**Ecology** - shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.



The City of Spokane Shoreline Master Program (SMP) Comprehensive SMP update was approved in 2010.



# The SMA mandates a schedule for the periodic review of your SMP at least every 8-years

# of SMA counties +(cities)



3 + (71)



10 + (39)



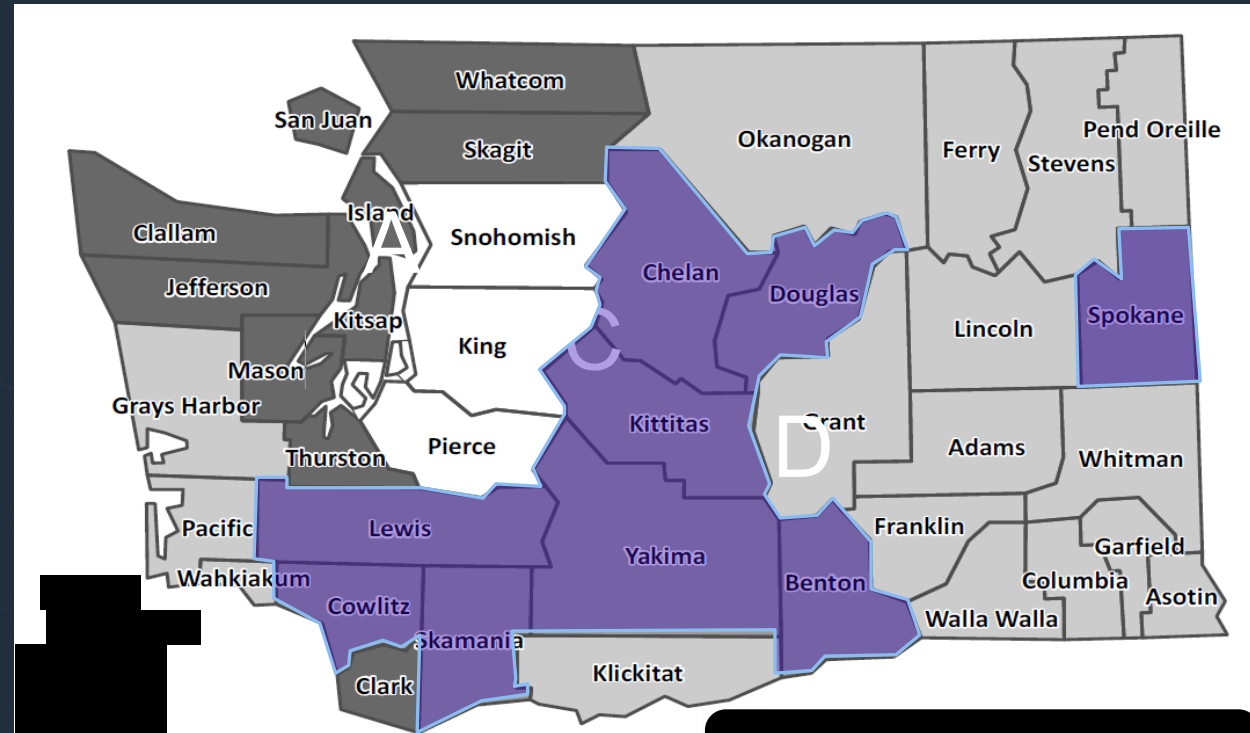
10 + (58)



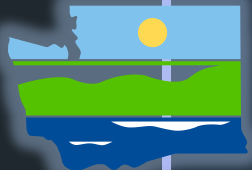
18 + (71)

Deadline: June 30 of  
year listed

(RCW 90.58.080)

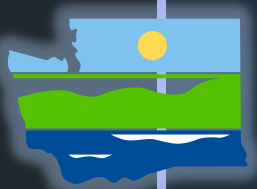


	A	B	C	D
GMA	2015	2016	2017	2018
<b>SMA</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
GMA	2023	2024	2025	2026
<b>SMA</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>2030</b>



# Conduct Review of the SMP for changes to:

1. Revised Code of Washington(RCW) & Washington Administrative Code (WAC)
2. Comprehensive Plan & development regulations
3. Local circumstances, new information, improved data





# Use Ecology Checklist & Guidance to address changes to RCW and WAC

Row	Summary of change	Review	Action
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).		
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.		
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .		
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .		
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .		
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.		

## 2011

### 2011 a. Federal wetlands delineation manual

Ecology repealed the State Delineation Manual rule and replaced it with a rule requiring that identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

Rule: WAC [173-22-035](#), effective 3/14/2011. Guidance: [Wetland Delineation Manual guidance](#).

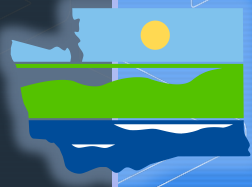
#### Review considerations

All SMPs should use language from the new WAC because the state delineation manual rule has been repealed. Consult [Ecology's website for wetland delineation manual guidance](#).

#### Example language

The following language should be included in the applicable section of the SMP (or the applicable critical areas code if wetland delineation is addressed in a CAO adopted by reference):

Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.



# Joint state/local review

## WAC 173-26-104



**30 day Joint City/State Public  
Comment Period**



**Joint City/State Public Hearing**





# Next Steps:

## Response to Comments

Provide responses to all comments received and determine if additional amendment modifications are necessary.



## Submit to Ecology for Initial Determination

After comment period and prior to local adoption. Ecology will provide a written initial determination of consistency with SMA and Guidelines.

## Local Adoption

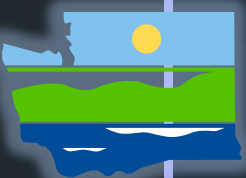
After receiving written concurrence from Ecology, locally adopt the proposed SMP amendments.



## Submit Locally Adopted SMP amendments to Ecology

Per WAC 173-26-110.

\*The SMP Amendments will be effective 14-days after Ecology's formal written approval.



# **Ecology is required to review all SMP amendments to ensure consistency with the Shoreline Management Act and implementing rules.**

In order to approve the City's Periodic Review and proposed SMP amendment, Ecology must conclude that the proposed amendment satisfies the criteria found in WAC 173-26-201(1)(c). This includes the conclusion that the SMP amendment:

- will not foster uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(2)(c)(i); and
- will assure no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(2)(c)(iv)).



# Questions?

**Lauren Bromley**, Shoreline  
Planner, Shorelands & Environmental  
Assistance Program, Washington State  
Department of Ecology

**Lauren.Bromley@ecy.wa.gov**

<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-planners-toolbox>



The screenshot shows the Washington State Department of Ecology website. The header includes the department logo, navigation links for Regulations & Permits, Research & Data, About Us, and Contact Us, and a search bar. The main navigation bar highlights 'Water & Shorelines'. The breadcrumb trail reads: Water & Shorelines > Shoreline & coastal management > Shoreline management > Shoreline planners toolbox.

**Shoreline & coastal management** (dropdown menu):

- Shoreline management
  - Shoreline Master Programs amendments
  - State approved Shoreline Master Programs
  - Contacts
  - Shoreline Management Act
  - Shoreline planners toolbox**
  - Shoreline laws, rules, and cases
  - Aquaculture
  - Shoreline Master Programs
- Coastal zone management
- Hazards
- Padilla Bay reserve
- Education & training
- Ocean management


**Shoreline planners toolbox**

This toolbox is designed for local and state shoreline planners responsible for developing and administering Shoreline Master Programs. Users will find links to our web pages and publications to help with:


- Permitting.
- Resolving shoreline management issues.
- Developing and updating Shoreline Master Programs.
- Researching laws and rules.

If you don't find what you need, please contact the Ecology regional planner serving your city or county government.


**Administration of Shoreline Master Programs**

- [Shoreline permits and enforcement](#)
- [Shoreline permitting manual](#) 

**New shoreline programs and amendments**

- [Shoreline Master Programs](#)
- [Status of local Shoreline Master Programs](#)
- [Shoreline Master Program Grants](#)
- [Shoreline Master Programs Handbook](#) 

**Amendments**

- Periodic review 
- Comprehensive updates





# Shoreline Master Program (SMP)

**2019-2021 Periodic Review**

*City of Spokane*

*Melissa Wittstruck, Assistant Planner*

*December 1, 2020*



# Ecology Grant Overview

- Grants are available to eligible towns, cities and counties with periodic reviews, as outlined in the Shoreline Management Act (RCW 90.58.080) and WAC 173-26-090.
- Grant awards for 2019-21 Biennium:
  - \$84,000 for counties
  - ➔ **\$33,600 for cities with a population over 100,000**
  - \$28,000 for cities with a population between 50,000 and 100,000
  - \$22,400 for cities with a population between 20,000 and 50,000
  - \$16,800 for cities with a population between 5,000 and 20,000
  - \$11,200 for cities and towns with a population less than 5,000



# Shoreline Jurisdiction

Map SMP 1

## Legend

- Shoreline Districts
- Ordinary High Water Mark
- City Of Spokane

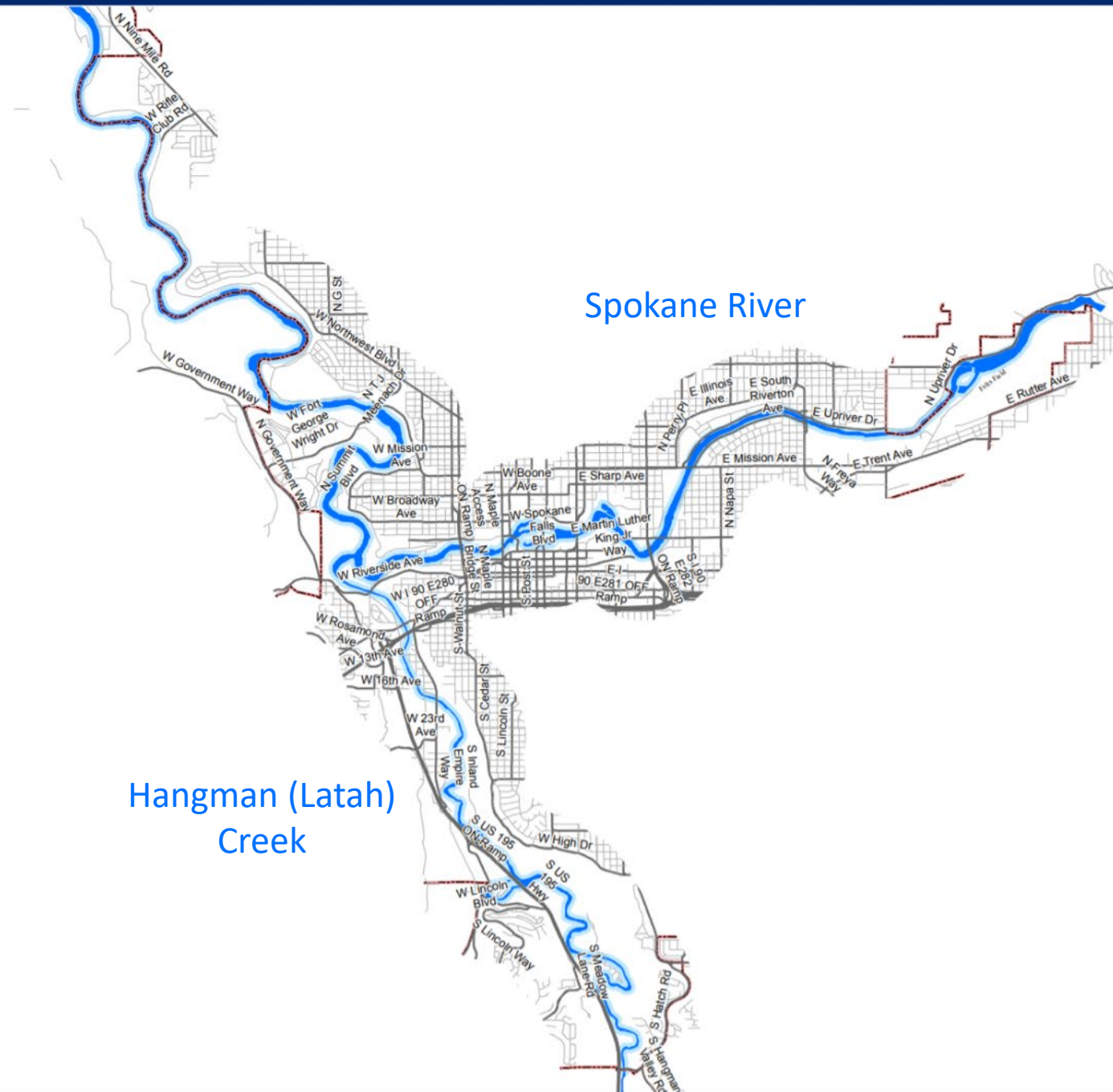
0 0.5 1 2 Miles

Source: GIS  
Date: 8/17/2016



**THIS IS NOT A LEGAL DOCUMENT:**  
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, roads, etc.

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are to be used for planning purposes only. Additional site-specific evaluation is needed to confirm/verify information shown on this map.







## Chapter 14

### Shorelines



## Spokane Municipal Code

[Home](#)[Title 17E](#)[Chapter 17E.060](#)[Highlight Word](#)

([Select All](#)) [Title 17E Environmental Standards](#)

([Select All](#)) [Chapter 17E.060 Shoreline Regulations](#)

### Article I. General Provisions

- [Section 17E.060.010 Authority](#)
- [Section 17E.060.020 Title](#)
- [Section 17E.060.030 Purpose](#)
- [Section 17E.060.040 Liberal Construction](#)
- [Section 17E.060.050 Shoreline Jurisdiction](#)
- [Section 17E.060.060 Shoreline Maps](#)
- [Section 17E.060.070 Goal, Policy, and Criteria Guidance for Permit Decisions](#)

### Article IV. Shoreline Permits and Exemptions

- [Section 17E.060.290 Shoreline Substantial Development Permit](#)
- [Section 17E.060.300 Uses, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement](#)
- [Section 17E.060.310 Shoreline Conditional Use Permit](#)
- [Section 17E.060.320 Shoreline Variance Permit](#)
- [Section 17E.060.330 Procedures](#)
- [Section 17E.060.340 Shoreline Design Review](#)

### Article VIII. Design Standards and Guidelines Specific to Shoreline Districts

- [Section 17E.060.800 Design Standards Administration](#)
- [Section 17E.060.810 Standards and Guidelines Applying to Downtown, Campus, and Great Gorge Districts](#)
- [Section 17E.060.820 Standards and Guidelines Specific to the Downtown District](#)
- [Section 17E.060.830 Standards and Guidelines Specific to the Campus District](#)
- [Section 17E.060.840 Standards and Guidelines Specific to the Great Gorge District](#)

### Article II. Administration: Part I. Regulatory Applicability

- [Section 17E.060.080 Applicability](#)
- [Section 17E.060.090 Shoreline Overlay and Relationship to Other Regulations](#)

### Article II. Administration: Part II. Administrative Authority and Legal Provisions

- [Section 17E.060.100 Administrative Authority](#)

# Periodic Update: Limited Scope

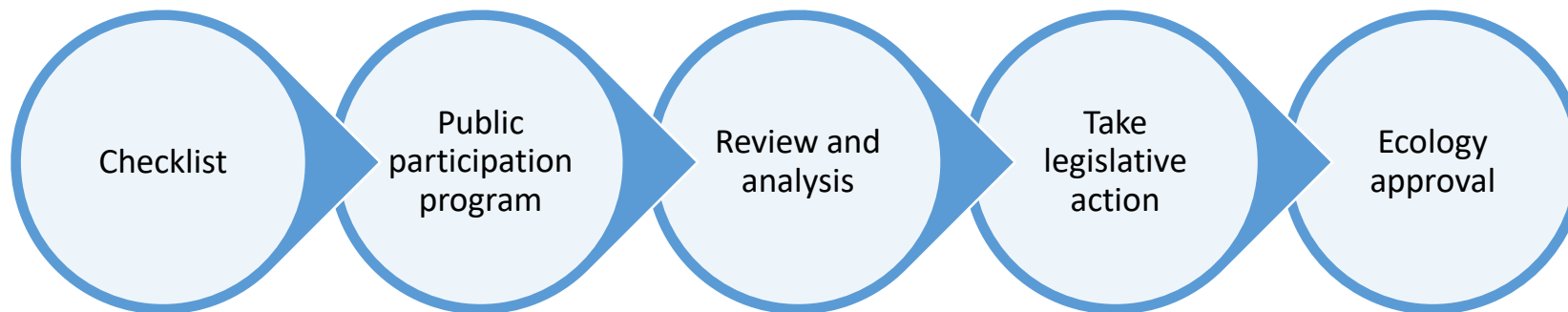
- **Not** a complete update of SMP
  - The periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review
  - City of Spokane comprehensive update in 2005-2008 and last amendments in 2011 and 2017
- No changes to Comprehensive Plan





# Periodic Review Checklist

- **Washington Department of Ecology** is required to maintain a checklist that includes potential review elements (see draft documents).
- Checklist helps determine what to review and where each applicable issue is addressed in the SMP.
- Requires public participation that provides for early and continuous involvement of interested parties throughout the review process.





# Excerpt from City's Draft Responsive Checklist

2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	SMC Section 17E.060.290 item C outlines the cost threshold requiring a substantial development permit	Amend SMC 17E.060.290(C) to remove cost. Further amend this section to reference statute, including reference to period of review/consideration for inflation.
b.	Ecology permit rules clarified the <b>definition of "development"</b> does not include dismantling or removing structures.	"Development" is defined as "Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code." SMC 17A.020.040 "D" Definitions	Adopt the ECY definition of development, specific to shoreline section in SMC Chapter 17A.020, Section 17A.020.040 "D".  "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.
c.	Ecology adopted rules clarifying <b><u>exceptions</u> to local review under the SMA.</b>	Those <b>exceptions</b> (a new creation) adopted by the State do not exist under SMC Section 17E.060.300. Spokane has "exemptions."	Adding a new clause to 17E.060 "Exceptions as consolidated by WAC 173-27-044 in SMC Section 17E.060.300 (XX) Developments not required to obtain shoreline permits or local reviews. Amend 17E.060.300 to clarify exemptions and exceptions.



# Excerpt from Draft SMC Revisions

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances. (~~The fair market value of the dock shall not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of these shoreline regulations.~~) This exception applies if either:
- a. In fresh waters the fair market value of the dock does not exceed:
    - 1. Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or
    - 2. Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.



# A Few Highlights of Current Draft Revisions

**Definitions Clarified:** [Section 17A.020.040](#) "D" Definitions : Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.



# Highlights

- **New:** [Section 17E.060.300](#) Uses, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement: **Exceptions**

Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

# Next Steps

- Beginning stakeholder and community outreach.
- Initialized technical review of proposed changes
- Begin joint noticing process – *January 2021*
  - *Plan Commission Workshop anticipated January 13, 2021.*
- SMP will be completed by June 2021



# Questions and Contact Information

**Questions?** Please use the chat box function, raise your “hand” in the app, or just in your video. If you are on the phone, use \*3 to begin and end your question.

January 2021 will bring more opportunities for comments and feedback, **but please send in your questions and comments now as well. They will be added to the record for this process or for the future SMP Update.**

[shorelinemasterprogram@spokanecity.org](mailto:shorelinemasterprogram@spokanecity.org)

<https://my.spokanecity.org/projects/shoreline-master-program-periodic-update/>

Melissa Wittstruck, City Planner

[mwittstruck@spokanecity.org](mailto:mwittstruck@spokanecity.org) 509-625-6087

*Thank you*

*\* If you have questions for other local jurisdictions and need contacts, please email the above addresses and I will try to help get folks connected.*