

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
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Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	SMC Section 17E.060.300 item B-8 outlines the cost threshold for a permit exemption when building a freshwater dock	<p>Amend the section to reflect the new dollar thresholds and periodic cost reviews referred to in ECY requirements:</p> <p>(XX) 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. This exception applies if either:</p> <p>(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or</p> <p>(ii) In fresh waters the fair market value of the dock does not exceed:</p> <p>(A) 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</p> <p>(B) Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.</p> <p>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.</p>

Row	Summary of change	Review	Action
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable	Spokane is not one of the 9 jurisdictions -Finding of Adequacy
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Not Applicable	This applies to marine waters. Spokane has no marine appellation waters. Finding of Adequacy
2017			
a.	OFM adjusted the cost threshold for substantial development 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 definition of “development” 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 exceptions to local review under the SMA.	Those exceptions (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.

Row	Summary of change	Review	Action
			<p>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:</p> <ul style="list-style-type: none"> (i) 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. (ii) 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. (iii) 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. (iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045. (v) Projects authorized through the Energy Facility Site

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			Evaluation Council process, pursuant to chapter 80.50 RCW.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	SMC Section 17G.060.210 is consistent with the 2011 statute	No action. Finding of Adequacy
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	According to the Art V SMC Section 17E.060.510 “Forest practices are not presently conducted within the shorelines, nor are they an anticipated activity within the shoreline jurisdiction.	No action Finding of Adequacy
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	It is not necessary to amend SMP.	No action. Finding of Adequacy.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	City of Spokane has adopted its own nonconforming use provisions under SMC Section 17E.060.380	No action. Finding of Adequacy.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	No periodic review procedures.	Possibly adopt Ecology process by reference (not required) OR No action And Finding of Adequacy.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	City of Spokane Amendment procedure already includes WAC 173-26-090 to WAC 173-26-160	No action. Finding of Adequacy with citations.
j.	Submittal to Ecology of proposed SMP amendments.	SMC does not include SMP submittal process. SMC 17E.060.110 cites WAC 173-26 consistency for amendments.	* Possibly further adopt Ecology process by reference (not required) OR No action and Finding of Adequacy with citation.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	SMC Section 17E.060.300 includes by reference RCW 90.58 which states that permits fulfilling ADA requirements are exempt.	No Action. Finding of Adequacy with citations.
b.	Ecology updated wetlands critical areas guidance including	SMC Section 17E.070 includes ecology updated critical areas guidance	No Action Finding of Adequacy with citations.

Row	Summary of change	Review	Action
	implementation guidance for the 2014 wetlands rating system.	including implementation guidance for the 2014 wetlands rating system. Section 17E.070.020 amends that wetlands are designated in accordance with the most current edition of the federal wetland delineation manual and applicable regional supplements.	
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Optional amendment	No action. Finding documenting the optional provision.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	According to SMC Section 17E.060.570 item F "Over-Water residences shall be prohibited".	No action - Spokane does not have floating on water residences . Finding of Adequacy with citations.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	No SMP appeal procedure	Possibly adopt Ecology process by reference (not required) OR No action And Finding of Adequacy.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	SMC Section 17E.070.030 outlines the requirement for wetland delineation to use the Federal Manual for Identifying and Delineating Jurisdictional Wetlands	No action Finding of Adequacy supported by citation and ECY correspondence.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	City of Spokane does not have saltwater shorelines	No action. Finding of Adequacy – cite no saltwater shorelines
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	According to SMC Section 17E.060.570 item F "Over-Water residences shall be prohibited".	No action. Finding of Adequacy – include SMC citation

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d.	The Legislature authorizing a new option to classify existing structures as conforming.	SMC 17E.060.380 identifies nonconforming structures as okay but does not allow them to increase their extent of nonconformity.	No action. Finding of Adequacy, supported by SMC citation.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	SMC Section 17E.060.170 includes RCW 90.58 and associated WACs by reference. All provisions for critical areas in the SMC that are not consistent with the RCW and WAC are void.	No action Finding of Adequacy, supported by SMC citation.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	SMC does not include a provision for restoration project and relief from shoreline regulations that precludes a land owner from using their property for its intended use. Local governments may want to include this option in local SMPs – though the process may be used even if the provision is not in the SMP.	Adopt, by reference, the ecology rule. (X) The [CITY] may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.
b.	Ecology adopted a rule for certifying wetland mitigation banks.	SMC Section 17E.070.140 allows mitigation banking.	No action. Does SMC Section 17E.070.140 match the new ECY wetland mitigation bank certification? If so Finding of Adequacy
c.	The Legislature added moratoria authority and procedures to the SMA.	Moratoria procedures are not required to be included in the SMP, the statute itself can be relied upon.	No action
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established	SMC Section 17A.020.060 adopts the associated RCW and its definition of floodway by references	No action Finding of Adequacy, supported by SMC citation.

Row	Summary of change	Review	Action
	in FEMA maps, or the floodway criteria set in the SMA.		
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	Maps are in Section 17E.060.060	No new streams or lakes are shorelines w/state jurisdiction. No action. Finding of Adequacy, supported by SMC citation.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	SMC Section 17E.060.300 includes, by reference, exemptions under WAC 173-27-040	No action Finding of Adequacy, supported by SMC citation.

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

Two example formats:

SMP section	Summary of change	Review	Action
	Conflict between Boating Facilities and Water-Enjoyment Recreational Facilities for launch ramps in WWTP Environment.	17E.060, Primary Use Table	In Table 17E.060-04, Shoreline Primary Uses – change “recreational development > water enjoyment recreation” in the Wastewater Treatment Plan Environment from “N” to “CU”
Art IV Shoreline Design Review 17E.060.340	Delete section in total (A and B) to better align with Design Review board procedures.	Chapters 17G.060.030, 17G.060.040, and 17G.060.060 SMC provide design review board process that shoreline design review is subject to.	Amend as in Summary of Change.

SMP Section	Summary of change	Discussion
Art VIII Design Stds and Guidelines to Shoreline Districts 17E.060.800, 17E.060.810, 17E.060.820, 17E.060.830, 17E.060.840	Strikethrough “ and Guidelines” strike all references to guidelines are instruments used purely for design reviews. The downtown, campus, and great gorge shoreline districts are subject ot the shoreline diesign standards in addition to the underlying design standards in Title 17C. The downriver, Latah Creek and Upriver Districts are subject to the underlying design standards in Title 17C SMC. SMC 17E.060.800(C)(1)(2)(3) should strike “guidelines” and amend to “design criteria”	Amend as documented in Summary of Change
Art VII Shoreline Development Standards by District: Part II. Shoreline Development Standards 17E.060-770, Table 17E.060-5 Dev Stds; 17,060.790(C)		Amend to align with SMC.