

## 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
Melissa Wittstruck and Amanda Beck	City of Spokane	March 2021

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the <b>cost threshold for building freshwater docks.</b>	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:</p> <p>(i) 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>

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 - Not Applicable Finding of Adequacy
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	Not Applicable.	This applies to marine waters. Spokane has no marine appellation waters. Not applicable. Finding of Adequacy
2017			
d.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	SMC subsection 17E.060.290(C) outlines the cost threshold requiring a substantial development permit.	Amend cost threshold in SMC 17E.060.290(C). Further amend this section to reference statute, including reference to period of review/consideration for inflation.  “Substantial developments include any development with which the total cost or fair market value, whichever is higher, does exceed <u>seven thousand forty seven dollars (\$7,047)</u> or the adjusted amount per WAC 173-27-040”
e.	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 shorelines in SMC Chapter 17A.020, Section 17A.020.040 “D”.  “Development” for shoreline <u>regulations shall be defined by WAC 173-27-030(6) as amended to read</u> “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.
f.	Ecology adopted rules clarifying <b><u>exceptions</u> to local review under the SMA.</b>	Those exceptions (a new creation) adopted by the State do not exist under SMC Section 17E.060.300. The City of Spokane has "exemptions."	<p>Added a new clause to 17E.060.300(C) Exceptions as consolidated by WAC 173-27-044, in SMC Section 17E.060.300</p> <p>(XX) Developments not required to obtain shoreline permits or local reviews. Amend 17E.060.300 to clarify exemptions and exceptions. 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"> <li>(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.</li> <li>(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.</li> <li>(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</li> </ul>

			<p>substantial development permit, conditional use permit, variance, letter of exemption, or other local review.</p> <p>(iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</p> <p>(v) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.</p>
g.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	SMC Section 17G.060.210 is consistent with the 2011 statute.	No action. Finding of Adequacy
h.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	According to the Article V Part 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
i.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b> .	It is not necessary to amend the SMP.	No action. Finding of Adequacy.
j.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	City of Spokane has adopted its own nonconforming use provisions under SMC Section 17E.060.380.	No action. Finding of Adequacy.
k.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	No periodic review procedures.	No action. Finding of Adequacy.
l.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> 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.	Amend SMC Section 17E.060.110(A) to strikethrough WAC 173-26-090 to WAC 173-26-160 and instead cross-reference WAC 173-26. Finding of Adequacy with citations.

m.	<b>Submittal</b> to Ecology of proposed SMP amendments.	SMC does not include SMP submittal process. SMC 17E.060.110 cites WAC 173-26 consistency for amendments.	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 <b>Americans with Disabilities Act</b> .	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 <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	SMC Section 17E.070 includes ecology updated critical areas guidance 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.	No Action Finding of Adequacy with citations.
2015			
a.	The Legislature adopted a <b>90-day target</b> 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 <b>floating on-water residences</b> legally established before 7/1/2014.	According to SMC Section 17E.060.570(F): "Over-Water residences shall be prohibited."	Not applicable. No action - Spokane does not have <b>floating on water residences</b> . Finding of Adequacy with citations.
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	No SMP appeal procedure.	No action And Finding of Adequacy.

## 2011

a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	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 <b>geoduck aquaculture</b> .	City of Spokane does not have saltwater shorelines.	Not applicable. No action. Finding of Adequacy – cite no saltwater shorelines.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	According to SMC Section 17E.060.570(F): “Over-Water residences shall be prohibited.”	Not applicable. No action – Spokane does not have <b>floating homes</b> . Finding of Adequacy with citations.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	SMC 17E.060.380 identifies nonconforming structures as allowed 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 <b>Growth Management Act – Shoreline Management Act clarifications</b> .	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.
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## 2009

a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> 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. (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. 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.	No Action. Finding of Adequacy. The provision is optional and available without adoption.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	SMC Section 17E.070.140 allows mitigation banking.	No action. Finding of Adequacy.
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Moratoria procedures are not required to be include in the SMP, the statute itself can be relied upon.	No action. Finding of Adequacy.

## 2007

a.	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	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.
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<b>b.</b>	<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.</b>	Maps are included in the SMC in Section 17E.060.060.	No action. Finding of Adequacy – supported by SMC citation. No new streams or lakes within shoreline jurisdiction.
<b>c.</b>	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.

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 Section 17E.060.690 Table 17E.060-04, Shoreline Primary Uses – change “recreational development > water enjoyment recreation” in the Wastewater Treatment Plan Environment from “N” to “CU.”
Section 17E.060.340, Article IV: Shoreline Design Review	Delete section in total (A and B) to better align with Design Review board procedures.	SMC Chapter 17G.060, Land Use Application Procedures, Sections 17G.060.030, 17G.060.040, and 17G.060.060 provide design review board process that shoreline design review is subject to.	Repeal Section 17E.060.340 Shoreline Design Review, subsections(A) Design Review Process and (B) Administrative Design Review as in Summary of Change.

SMP Section	Summary of change	Discussion
SMC Sections 17E.060.800, 17E.060.810, 17E.060.820, 17E.060.830, and 17E.060.840, Article VIII: Design Standards and Guidelines to Shoreline Districts	Strikethrough use of “and guidelines” in all five sections of the SMC, and where applicable “design criteria” is used instead. The Downtown, Campus, and Great Gorge shoreline districts are subject to the shoreline design 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 as well.	Strikethrough “and guidelines” and amend to “design criteria” as documented in Summary of Change.
SMC Section 17A.020.040 “D” Definitions	The “D” definitions were amended to strikethrough “design guidelines” with “design criteria” in subsections 17A.020.040(L) and (O).	For SMC document consistency with the above change the “D” definitions were updated to “design criteria” as well.
SMC Section 17E.060.770, Table 17E.060-5 Development Standards	Strikethrough “and Guidelines” in addition to striking all references to “guidelines.” The Downtown, Campus, and Great Gorge shoreline districts are subject to the shoreline design 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 as well.	Table 17E.060-05 amends guidelines by striking or using standards: “Tall Building Design <u>Guidelines</u> <u>Standards</u> .” This provides SMC document consistency. All other use of “guidelines” in the document is not in reference to “design guidelines.”
SMC Section 17.060.790	Strikethrough “and Guidelines” in cross-reference to Section Article VIII, Design Standards and (( <u>Guidelines</u> )) Specific to Shoreline Districts	This provides SMC document consistency. All other use of “guidelines” in the document is not in reference to “design guidelines.”
Section 17E.060.150 Reference to Plans, Regulations, or Information Sources	Strikethrough and amend to:  “Where the shoreline regulations reference any RCW, WAC, or other local, state, or federal law or regulation, or <del>any</del> source of information, the most recent <u>adopted</u> amendment or <u>adopted</u> current edition shall apply.”	Apply limiter language to the references of new sources of information to clarify that only promulgated sources will be accepted as sources to be relied on for decision points.