

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist – City of University Place

March 22, 2018

Introduction

This document is intended for use by counties, cities and towns conducting 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 Shoreline Management Act (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 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: 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).

At the end: 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.

Row	Summary of change	Review	Action (proposed)
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	\$ amount needs to be updated for consistency.	Amend definition of “ <i>substantial development</i> ” in UPMC 18.10.020.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Definition needs to be amended by adding “dismantling or removing structures”.	Amend definition of “ <i>development</i> ” in UPMC 18.10.020.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	Recommend adding new “exceptions” text to improve clarity and administration.	Add new section <i>UPMC 18.15.130 Exceptions to Local Review under the SMA.</i>
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Recommend revising existing procedures to ensure consistency.	Amend <i>UPMC 18.15.090 Ecology Review.</i>
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.	The city does not have any, or expect to have any, commercial forestry activity. Therefore, no amendment recommended or required.	No action needed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	The city does not have lands under exclusive federal jurisdiction. Therefore, no amendment recommended or required.	No action needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	2016 SMP relies on locally tailored provisions. Recommend adding text allowing relocation of nonconforming structures provided new location complies with code <i>to extent practicable</i> . Also add text stating inactive and dormant water dependent uses are <i>not</i> considered discontinued uses.	Amend <i>UPMC 18.15.070 Nonconforming Development</i> by adding new item C.1.e allowing limited relocation of nonconforming structures. Add new item C.4 pertaining to inactive and dormant water-dependent uses.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	2016 SMP does not include an optional description of periodic review procedures. Therefore, no amendment needed.	No action needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2016 SMP references WAC 173-26-104, which covers optional SMP amendment process. Therefore, no amendment needed.	No action needed.

Row	Summary of change	Review	Action (proposed)
j.	Submittal to Ecology of proposed SMP amendments.	2016 SMP references WAC 173-26, which covers submittal requirements. Therefore, no amendment needed.	No action needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	Definition needs to be amended to ensure consistency.	Amend definition of “ <i>exemption</i> ” in UPMC 18.10.020.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Fully addressed in 2016 SMP.	No action needed.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The city does not have any state highways within its boundary. Therefore, these optional provisions do not apply. No amendment needed.	No action needed.
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	Fully addressed in 2016 SMP.	No action needed.
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	The city does not have any existing floating on-water residences. Therefore, no amendment needed.	No action needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Optional provisions not included in 2016 SMP. No amendment needed.	No action needed.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Fully addressed in 2016 SMP.	No action needed.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Fully addressed in 2016 SMP.	No action needed.

Row	Summary of change	Review	Action (proposed)
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Fully addressed in 2016 SMP.	No action needed.
d.	The Legislature authorized a new option to classify existing structures as conforming .	2016 SMP classifies a limited number of (e) dwellings located on Day Island, South Spit, and Sunset Beach as “conforming”. No amendment needed.	No action needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Fully addressed in 2016 SMP.	No action needed.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in OHWM.	Fully addressed in 2016 SMP.	No action needed.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Fully addressed in 2016 SMP.	No action needed.
c.	The Legislature added moratoria authority and procedures to the SMA.	Optional provisions not included in 2016 SMP. No amendment needed.	No action needed.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	2016 SMP definition is not fully consistent with either option.	Amend definition of “floodway” (per Option 1) and “floodplain” in UPMC 18.10.020.
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.	Fully addressed in 2016 SMP.	No action needed.
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.	Fully addressed in 2016 SMP.	No action needed.