Shoreline Master Program Periodic Review

**City of Moses Lake 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)](http://app.leg.wa.gov/RCW/default.aspx?cite=90.58.080). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](http://apps.leg.wa.gov/wac/default.aspx?cite=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.

| Prepared By | Jurisdiction | Date |
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| Rachelle Bradley & Rachel Granrath, SCJ Alliance | City of Moses Lake Consultant | 1st submittal - Intital Determinaion received May 24, 2023  Final Submital – after Council Adoption – June 27, 2023 |

| *Row* | *Summary of change* | *Review* | *Action* | *ECY Comments* |
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| **2021** | | | |  |
|  | The Legislature amended **floating on-water residences** provisions | Not applicable - Floating on-water residents are prohibited in the City | No action needed. |  |
|  | The Legislature clarified the permit exemption for **fish passage projects** | 12039 Shorelines Exemptions includes outdated information/does not reference RCW 90.58.147 | Updated 12.30 exemptions list (P) language consistent with Ecology example. |  |

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| 2019 | | | |  |
|  | OFM adjusted the **cost threshold for building freshwater docks** | 12-30-020 Shoreline Exemptions Exemptions listed –(G) contains outdated language/costs | Updated cost thresholds to Ecology example language to reflect fair market value for permit exemptions |  |
|  | The Legislature removed the requirement for a shoreline permit for **disposal of dredged materials at Dredged Material Management Program sites** *(applies to 9 jurisdictions)* | Not applicable | No action needed |  |
|  | The Legislature added **restoring native kelp, eelgrass beds and native oysters** as fish habitat enhancement projects. | Not applicable – the City has no saltwater shorelines, and the SMP does not contain a full list of fish habitat enhancement projects | No action needed |  |
| 2017 | | | |  |
|  | OFM adjusted the **cost threshold for substantial development** to $8,504. | 12-30-020 Shoreline Exemptions (A) contains outdated cost threshold | Updated 12-30-020 (A)language to reflect new cost threshold to $8,504, or dollar value as amended by the State of Washington Office of Financial Management |  |
|  | Ecology permit rules clarified the **definition of “development”** does not include dismantling or removing structures. | 13 Definitions - Development does not include this clarification | Amended definition to include Ecology example language |  |
|  | Ecology adopted rules clarifying **exceptions to local review under the SMA.** | Not addressed | Added language to Chapter 1 “Jurisdiction and Applicability” | Comment from Ecology on Initial Determination of Consistency to move language from previous location to Chapter 1 – this has been moved accordingly |
|  | Ecology amended rules clarifying **permit filing procedures** consistent with a 2011 statute. | Permit filing procedures already described in SMP - 12-60-070 Review Process | No action needed |  |
|  | Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs. | Not addressed | No action needed |  |
|  | Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction** | Not applicable – no lands with exclusive federal jurisdication in City limits | No action needed |  |
|  | Ecology clarified “default” provisions for **nonconforming uses and development**. | 13 Definitions – provideseparate definitions for nonconforming uses, structures, and lots.. | 13. Definitions separate definitions added for non-conforming uses, structures, and lots.  No change to 12-60-30 Non-Conforming Structures and 12-60-040 Non-Conforming Lots, aligns with Ecology recommendation. |  |
|  | Ecology adopted rule amendments to clarify the scope and process for conducting **periodic reviews**. | Not applicable – no description of periodic review included in SMP; no further clarification needed | No action needed |  |
|  | Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period. | Not applicable – SMP amendment process not described in SMP. | No action needed |  |
|  | **Submittal** to Ecology of proposed SMP amendments. | Not applicable – SMP submittal process not described in SMP | No action needed |  |
|  | Ecology made a few housekeeping amendments to WAC [173-26-120](http://apps.leg.wa.gov/wac/default.aspx?cite=173-26-120), which describes the state process for reviewing SMPs. | Not applicable – SMP reviewing process not described in SMP. | No action needed |  |
| 2016 | | | |  |
|  | The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the **Americans with Disabilities Act**. | Not addressed | Amended 12-30-020 Exemptions Listed added (Q) using Ecology example language. |  |
|  | Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system. | 6-30-070-C includes Wetland regulations and ratings from the Washington Department of Ecology Publication #14-06-030. | No action needed – the SMP is already updated with the accurate CAO reference for wetland ratings. |  |
| 2015 | | | |  |
|  | The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects. | Not addressed | Amended 12-60-070 Review Process to include Ecology example language, inserted (D.) |  |
| 2014 | | | |  |
|  | The Legislature adjusted the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers | 12-30-020 Shoreline Exemptions Exemptions listed –(G) contains outdated language/costs | Updated cost thresholds to Ecology example language to reflect fair market value for permit exemptions  *NOTE: Update City permit application forms to reflect this change if not already updated.* |  |
|  | The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014. | Not applicable - Floating on-water residents are prohibited in the City | No action needed. |  |
| 2012 | | | |  |
|  | The Legislature amended the SMA to clarify **SMP appeal procedures**. | Not appliable - SMP appeal procedures are not described in SMP | No action needed |  |
| 2011 | | | |  |
|  | Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual**. | 13. Definitions for qualified professionals references both state and federal manuals for wetland delineations | Updated 13. Definitions for Qualified Professionals to Ecology example language, removed state manuals reference. |  |
|  | Ecology adopted rules for new commercial **geoduck aquaculture**. | Not applicable – the City has no saltwater shorelines | No action needed |  |
|  | The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011. | Not applicable - Floating on-water residents are prohibited in the City | No action needed. |  |
|  | The Legislature authorizing a new **option to classify existing structures as conforming**. | Nonconforming structures are addressed in 12-60 Non-Conforming Development | No action needed |  |
| 2010 | | | |  |
|  | The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications**. | Not applicable – Clarifications already addressed in 6-10 Overall Development Policies.  Effective date of SMP is not defined in SMP, no clarification needed. | No action needed No action needed |  |
| 2009 | | | |  |
|  | 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. | Not addressed – SMP does not include relief in Chapter 11 Shoreline Protection and Restoration | Updated Chapter 11 Introduction to include *Shoreline Restoration Projects* with Ecology simple reference example |  |
|  | Ecology adopted a rule for certifying **wetland mitigation banks**. | Mitigation banking is included in A-10-40 and 7-50-030 Regulations consistent with Ecology example language. | Not action needed. |  |
|  | The Legislature added **moratoria authority** and procedures to the SMA. | Not addressed; per Ecology guidance: “The moratoria procedures may be included in an SMP but it is not necessary – local governments can simply rely on the statute or adopt these provisions into other ordinances.” | No action needed; moratoria authority language can be included if the City wishes, but is optional (see Ecology guidance) No action needed; moratoria authority language can be included if the City wishes, but is optional (see Ecology guidance) |  |
| 2007 | | | |  |
|  | 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. | 13 Definitions - Floodway contains partial definition Ecology example language. | Amended 13 Defintions – Floodway to include full Ecology example language. |  |
|  | Ecology amended rules to clarify that **comprehensively updated SMPs shall include a** **list and map of streams and lakes** that are in shoreline jurisdiction. | Not addressed – SMP references external document in Chapter 3 but list and map of streams and lakes are not in the SMP. | Included list and map of streams and lakes that are in shoreline jurisdiction.  Added amendment clarification using Ecology example language after Table 9.1 Shoreline Environment Classification Area |  |

**Additional amendments**

| SMP Section | Summary of change | Discussion | *ECY Comments* |
| --- | --- | --- | --- |
| Chapter 2: Public Participation | Simplify section and add appendix document | Simplify Chapter 2 and add full details of engagement in Appendix B to be updated as the City periodically updates this SMP |  |
| Chapter 9.1 Tables associated with each environment | Remove tables detailing reach, rationale, zoning, comp plan designations – | Propose change to remove tables and link a reference City’s Zoning, shoreline and future land use map rather than detail an outdated table in SMP – trying to make this easier for people to use | Jeremey Sikes comments relating to remove these tables |
| Chapter 9 | Map update changed 2017 graphic for 2023 graphic | Change map image for new mapping for additional clarifications to OHWM no change to the jurisdiction or environmental shoreline designations just visual updates for ease of use for staff and communicating to the public |  |
| Chapter 12 | Remove authority for Planning Commission decisions relating to Shoreline Substantial Development Permits and Variances and assing to Heairng Examiner and the Shoreline Conditional Use Permits | Streamline processes and remove liability for decision making to be arbitrary and capricious. Hearing examiner will review permit revocations for all permits. |  |