



CITY OF SAMMAMISH

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Introduction

Consistent with Ecology guidance, this checklist document was used by the City of Sammamish (City) to conduct a the “periodic review” of the currently adopted Shoreline Master Program (SMP). The City has codified the SMP as Title 25 within the Sammamish Municiple Code (SMC). This review is intended to keep the SMP 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 SMP amendments during the City’s current periodic review. This City Review Draft version (submitted to the City on December 18, 2018) was prepared by Environmental Science Associates (ESA) consistent with Ecology guidance.

Ecology Guidance - 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
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	2011 SMP references statute. OPTIONAL Update to include OFM cost threshold for substantial development.	<u>No change made</u>
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2011 SMP does not clarify that removing structures does not constitute “development”. Update per Ecology’s recommended language.	<u>Updated</u>
c.	Ecology adopted rules that clarify exceptions to local review under the SMA .	SMP does not specifically call out these situations consistent with State law: 1) Remedial actions, 2) Boatyard improvements to meet NPDES requirements, and 3) WSDOT facility maintenance and safety improvements. Update per Ecology’s recommended language, or provide reference to applicable Ecology rules (reference is recommended approach, as these exceptions to local review are not likely to occur in the City).	<u>Updated (25.08.010 – 7)</u>
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	2011 SMP says “date of filing” and references WAC. SMP does not require concurrent filing of permits and it does not mention Ecology’s notification process. Implement minor update per DOE recommended language.	<u>Updated</u>
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA	2011 SMP requires a conditional use permit; minor update needed to clarify that forest practices that only involve timber cutting are not	<u>Updated</u>

Row	Summary of change	Review	Action
	"developments" and do not require SDPs.	SMA "developments" requiring SDPs; however still would require conditional use permit per City's SMP.	
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Not applicable - No lands with exclusive federal jurisdiction within city limits.	NA
g.	Ecology clarified "default" provisions for nonconforming uses and development .	<p>2011 SMP combines nonconforming "use" and nonconforming "structure" under the definition of nonconforming use. It also incorporates the definition of nonconforming lots into the regulation.</p> <p>Update per Ecology's recommended language.</p> <p>Recommend creating a separate definition for", nonconforming "structure" and moving the definition of nonconforming "lots" to the definition section. Also recommend updating and creating separate sections for nonconforming "structure", nonconforming "lots", and nonconforming "use".</p>	Updated – integrated Ecology language while maintaining 'existing development' approach in SMC 25.08.100.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	<p>2011 SMP does not state the scope and process for conducting periodic reviews of SMPs required by RCW 90.58.080(4).</p> <p>Not necessary to include these provisions in local SMP.</p>	No change made
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	<p>2011 SMP does not address the details of the optional SMP amendment process; however does not have to.</p> <p>OPTIONAL Reference to SMP amendment process could be</p>	No change made

Row	Summary of change	Review	Action
		added to the SMP or land use code.	
j.	Submittal to Ecology of proposed SMP amendments.	2011 SMP does not include reference to WAC requirements for City submittal of proposed SMP amendments; however does not have to. OPTIONAL Reference to SMP amendment submittal guidelines could be added.	<u>No change made</u>
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	No change necessary - SMC 25.08.030 references WAC 173-27-040 and Chapter 90.58 RCW.	<u>No change made</u>
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	No change necessary - The city's Critical Areas Ordinance incorporates Ecology's new rating system and other clarifications. 2011 SMP incorporates updated CAO standards by reference, and this current update provides opportunity to verify use of 2014 system within shoreline jurisdiction.	<u>No change made</u>
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2011 SMP does not include this provision or reference to 90-day target OPTIONAL Update per Ecology's recommended language to establish the 90-day target (may not be warranted as there is very little state highway occurring in Sammamish).	<u>No change made</u>
2014			
a.	The Legislature raised the cost threshold for requiring a	No change needed - 2011 SMP 25.08.020 cites the RCW	<u>No change made</u>

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	Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	for exemptions; therefore, the threshold is automatically included.	
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not applicable - The city does not have any floating on-water residences and they are prohibited in all shoreline environments.	<u>NA</u>
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	No change needed - 2011 SMP does not include or reference SMP appeal process.	<u>No change made</u>
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	No change needed - 2011 SMP requires delineation using the approved federal wetland delineation manual.	<u>No change made</u>
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable - There are no marine shorelines in the city.	<u>NA</u>
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable - There are no floating homes in the city, and new floating homes are not allowed.	<u>NA</u>
d.	The Legislature authorized a new option to classify existing structures as conforming .	2011 SMP 25.08.090 clarifies the existing rights and allowances for nonconforming uses but doesn't change the legal status to "conforming". The City should consider if there are any existing structures (not conforming to current SMP dimensional requirements) that warrant designation as 'conforming' per this authorization (WAC 173-26-241(3)(j)).	<u>No change made</u>

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2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	2011 SMP 25.01.080 describes the effective date as 14 days from Ecology’s final action. Referenced CAO includes State guidance to “assure no net loss of shoreline ecological function”.	<u>No change made</u>
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.	2011 SMP 25.06.040 applies to restoration projects. OPTIONAL Add new language to this section with reference to WAC about Requests for Relief from Shoreline Regulations if needed.	<u>Updated</u>
b.	Ecology adopted a rule for certifying wetland mitigation banks .	No change necessary - 2011 SMP references CAO which authorizes use of certified mitigation bank.	<u>No change made</u>
c.	The Legislature added moratoria authority and procedures to the SMA.	OPTIONAL Current regulations do not address SMP Moratoria Authority. If no update is made, the SMA moratoria requirements adopted by WAC still apply.	<u>No change made</u>
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.	No change needed - 2011 SMP does not define “floodway” but references RCW 90.58.030 in the definition of “shorelands”. Additionally, no floodway areas occur within the City.	<u>No change made</u>
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.	No change needed - 2011 SMP lists and maps Lake Sammamish, Pine Lake, and Beaver Lake.	<u>No change made</u>

Row	Summary of change	Review	Action
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.	No change needed - 2011 SMP 25.08.030 references WAC 173-27-040.	<u>No change made</u>