

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

# Periodic Review Checklist

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### 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.*

Prepared By	Jurisdiction	Date
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REVISED 4/22/2021

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	Section 7.6.3 A references the old amounts	Section 7.6.3 A Amended to correct \$ amount
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	Definition for Development need to be updated.	Definition updated in Chapter 9. Definitions, added Section E under development
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	WSDOT facility and maintenance are do not require sdp, dup, variance, exemption or local review	These exceptions are added to the Applicability Section 1.3 A & B
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	7.10 D is consistent with this RCW 90.58.140(6)	Not applicable
e.	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.	There is no forestry use in the UGA of Chelan	Not applicable
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Section 1.3 E Applicability to Federal lands excludes federally owned lands from SMP – The SMP is consistent	Not applicable
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	Section 5.12 and Chapter 8 regulate non-conforming uses and development. Non-conforming legal uses and structures are considered conforming.	Chapter 8 added provision A to clarify further: 8.2.2 A Existing legal non-conforming uses may continue
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>	Update procedures are subject to the SMA	Not applicable
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	Joint process will be undertaken in this update process. The SMP references the SMA for adoption procedures.	Not applicable

<p><b>j.</b></p>	<p><b>Submittal</b> to Ecology of proposed SMP amendments.</p>	<p>Housekeeping amendments are proposed. These do not constitute a periodic review due by 2021. The submittal is proposed under WAC 173-26-110.</p>	<p>Draft Amendments are submitted in redline</p> <p>Table of Amendments includes substantive, contextual changes.</p>
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Row	Summary of change	Review	Action
		Additional Amendments are outlined in Table of Amendments (attached)	Grammar, housekeeping changes are not all reflected in Table of Amendments, but are red-lined
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	Missing	Added section 7.6.3 Q under Exemptions
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	See Appendix B – there are no mapped wetlands in the shoreline	Not applicable
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	N/A – WSDOT is exempted from local review	Not applicable
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).	7.6.3 Exemptions	Added dollar amount
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	We do not have floating over-water residences in Chelan – not applicable due to water draw down	Not applicable
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	Section 7.13.1 up to date	No action
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	Appendix B	Not applicable
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	Not applicable	Not applicable

Row	Summary of change	Review	Action
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Not Applicable – We do not allow floating homes. We do have overwater cabanas, but they are not floating	Not applicable
d.	The Legislature authorized a new <b>option to classify existing structures as conforming.</b>	Section 8.2.2 Non-conforming buildings that are legally established are considered conforming. Clear administrative action for remodels and rebuilds of these structures is identified by staff.	Added Diagram in 8.2.3 to show lineal feed requirement Amended 8.2.4 B and C Section on Cabanas clarified around total square footage
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	SMP is consistent with GMA	Not applicable
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.	Exemptions apply to restoration projects	Not applicable
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks.</b>	Mitigation banking would occur within a permit process and would be review by ecology for approval	Not applicable
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Not applicable	Not applicable
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.	Definition is consistent in Glossary	None
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.	Included as required during the 2016 Comprehensive Update	Not applicable

c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that	Included in 7.6.3 to the provisions of RCW 77.55.181.	No action necessary

## 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	Discussion
Chapter 1 & 2	This update reverses the order of chapters 1 & 2	Authority and Purpose is now followed by Goals and Policies
<b>Chapter 1 Applicability</b>	Baseline data and Best available science was updated to reflect current and new information	<p>Baseline information: Climate data was updated to reflect project climate changes in terms of temperature and precipitation in alignment with Chelan Climate Resiliency Strategy (Draft Aug.5, 2020).</p> <p>Best Available Science: Vegetation management guidance is update to reference Volumes 1 &amp; 2 of WDFW Riparian Management Recommendations</p>
<b>Chapter 2 Goals and Policies</b>	<p>Section 2.1 <u>Commercial Policies</u>: Edits in this section clarify use preferences and redefine “Compatibility” as Commercial development shall not infringe upon existing uses from continuing to operate or enjoy the shoreline environment.</p> <p>Section 2.1 <u>Commercial Policies</u>: Waterfront Development Priority. Redevelopment of downtown properties in the shoreline should integrate mixed-use, green space, and pedestrian amenities with an emphasis on water enjoyment.</p> <p>Section 2.2 <u>Public Access</u>: New policy language requires public access for visual or physical access if development in excess of short plats will create demand for access or restricts current access, including views.</p> <p>Section 2.3 <u>Recreation</u>: This section has been revised to reflect more current use of the shoreline activities based on 2019 survey data and</p>	The majority of edits in Chapter 2 are “housekeeping” in nature. The content is reworded for better clarity and brevity, without changing the intent of the policy. In some instances, intent is more explicitly defined.

SMP Section	Summary of change	Discussion
	<p>required any expansion of parking areas in the shoreline be identified in a demand study. It emphasizes the desire for non-motorized and multi-modal access to shoreline recreational areas as priority before expansion of parking areas.</p> <p>Section 2.4. <u>Agricultural Policies</u>: This section eliminates reference to airsheds which are not applicable in the UGA, clarifies the expansion or development of new agricultural processing facilities to be located in High-intensity and commercial zones, stipulates ag-tourism as a preferred use in development review.</p> <p>Section 2.5 <u>Boating Facilities</u>: Clarifies that necessary agency permits are required prior to approval of any boating facility and emphasizes the integration of public access.</p> <p>Section 2.8 <u>Residential Policies</u>: Creates a policy to require setback of approved ADUs from the shoreline in the landward direction of the primary to structure.</p> <p>Section 2.9 <u>Shoreline Stabilization</u>. Requires mitigation for hardened shoreline stabilization and protects against adverse effects on neighboring or downstream properties.</p> <p>Section 2.10 <u>Utilities</u>. Creates a policy to allow for utility corridor vegetation management for wildfire mitigation.</p>	
<p><b>Chapter 3 Shoreline Jurisdiction and Environments</b></p>	<p><b>Use Matrix:</b> addition of Overnight boat rentals in aquatic environment; provisions for mixed-use commercial development to occur in multi-family residential areas to accommodate the need for more affordable housing is consistent with Comprehensive Plan</p>	<p>Minor housekeeping edits through this section of the plan provide clarity, improve grammar, legibility</p>

SMP Section	Summary of change	Discussion
Chapter 4 Shoreline Regulations	General Regulations.	Minor housekeeping edits only.
	<p><u>Section 4.3 F Public Access Regulations.</u> The following exception criteria # 5 for public access has been deleted: “The Shoreline Public Access Plan in Appendix C has been implemented in the vicinity of the proposed application, and was designed to serve increased demand for public access created by the development”.</p>	<p>The intent of the public access plan (Appendix C) is to direct public access to designated public sites and alleviate the burden of private development to provide public access to private property. However, when new development or expanded uses create additional demand on public access sites, the new development should be required to contribute to the public access site, even if already developed. Therefore, section 4.3 G directs private development to undergo an alternative analysis and further directs the city to collect fee in lieu to pay for public access in Section 4.3 I 1 &amp; 2. If criteria #5 stands, the city has no way to fund their public access plan.</p>
	<p><u>Section 4.4 Vegetation Management.</u> Adds language for any alteration of shoreline vegetation for wildfire preparedness to be considered regular maintenance, excepting those activities from the requirements of the SMP. It further directs the types of wildfire preparedness activities that are preferred and considered acceptable.</p>	<p>With the advent of increased wildfire risk and urban wildfires, the SMP needed to be updated to allow for residents to manage fuels in the shoreline as regular maintenance.</p>
	<p><u>Section 4.4 Vegetation Management. View Corridors.</u> Clarifies the requirement of a view corridor plan to be submitted at development review.</p>	<p>Currently, view corridor plans are not required with building permits. This creates a record for enforcement.</p>
	<p><u>Section 4.4.3 Setbacks</u> Proposed edits simplify language to allow uses in the setback to be those portions of water-dependent or recreational access that</p>	

SMP Section	Summary of change	Discussion
	require placement in the setback.	
	<u>Section 4.5. Water Quality and Stormwater</u> Edits clarify water quality concerns in a bulleted list	Transfers a string of text to a bulleted list for better reading
	<u>Section 4.6 No Wake Safety Buoys</u> This section includes new regulations regarding the placement of No-Wake buoys and directs applicants for safety buoys to coordinate with the Sheriff's Department	Unregulated, unpermitted buoys have proliferated without clear ownership. This section creates a chain of command whereby all requests are administered through the sheriff's department. Planning Department will continue to issue permits and monitor them in a more coordinated manner
Chapter 5	<p><u>Section 5.1.2. I Pools.</u> Pools and other upland recreational uses that utilize chemically treated water must either be connected to a sewer system or must collect the water for later discharge into a sewer system. Pools and other upland recreational uses that utilize chemically treated water shall be located a minimum of 75 feet upland of the ordinary high-water line.</p> <p><u>Section 5.14 Residential Development</u> New language in the section clarifies that permanent accessory structures requiring foundations are not allowed in the shoreline setback but provides allowances for temporary structures such as shades or play equipment in the setback.</p> <p><u>Section 15.14.2 F</u> New language in this section also clarifies that permanently affixed structures on docks are not permitted, but provides for temporary placement shade awnings for seasonal use only.</p> <p><u>Section 5.16.2 E5</u> "Stairs or other water access measures such as landscape stones or logs may be incorporated into existing or new</p>	Changes to Chapter 5 provide better administrative interpretation and implementation during issue permits and exemption to shoreline modifications and uses.

SMP Section	Summary of change	Discussion
	<p>shoreline stabilization structures (bulkheads) for safe entry into the water, but shall not extend waterward of the existing shoreline stabilization nor protrude waterward of the existing OHWM. Coved or concaved areas with shallow depth entry may be constructed such that the landward advancement of the OHWM may result.” Images for interpretation are provided.</p> <p><u>Section 5.17</u> Creates regulatory language requiring parking demand to justify any expansion of parking in the shoreline.</p>	
<p><b>Chapter 5.7.2 Short-term overnight boat rentals</b></p>	<p><b>Section 5.7.2 G Short-term overnight rentals on boats.</b> This is a new regulatory section that sets up standards for the commercial rental of overnight stays, or vacation rentals, on vessels at private docks and marinas. It prohibits this activity at public marinas or residential private docks.</p>	<p>This is a new section that addresses changing economic pressure of the short-term rental demand for sleeping on boats.</p>
<p>Chapter 6 Chelan River Standards</p>	<p><b>No amendments are proposed.</b></p>	
<p><b>Chapter 7 Shoreline Permits, Procedures, and Administration</b></p>	<p><u>Section 7.6.3 Q</u> brings SMP into compliance with ECY Checklist and American with Disabilities Act as follows: “The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</p> <p>Updates of threshold \$ dollar amounts</p>	<p>Minor housekeeping edits for clarity.</p>

SMP Section	Summary of change	Discussion
	for SDP exemptions: for docks, threshold increases to \$20,000	
Chapter 8 Non-conforming Structures and Uses	<p>Amendments clarify what is considered “legal non-conforming” and stipulates that legal non-conforming uses/structures may continue.</p> <p>New language limits the replacement/repair of overwater residential structures (Cabanos) to the square footage, footprint, and not to exceed original height.</p>	Interpretation of non-conforming structures is further clarified with these updates to help with consistent administration of the SMP, especially with regards to cabanos
Chapter 9 Definitions	Development definition updated. Dismantling or removing structures if there is no other associated development or redevelopment.	