



## City of Monroe Shoreline Master Program Periodic Update Periodic Review Checklist

### Introduction

This document is intended to provide an overview of the city’s Shoreline Master Program (SMP) Periodic Review Update that is necessary to bring the City into compliance with state law. This review is intended to keep the City’s 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\(4\)](#). Monroe is required to update its Shoreline Master Program by June 30, 2019.

This checklist summarizes the City’s responses to state law amendments, adopted rules and applicable Department of Ecology guidance documents between 2007 and 2017. This document is a living document and will be updated throughout the periodic review process to reflect necessary SMP amendments and responses to how those amendments were addressed.

### State Law, Rules and DOE Guidance – Shoreline Management Regulations

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	2008 SMP includes reference to previous \$5,000 cost threshold. Amend definition of “Substantial Development” to reflect the cost threshold to new inflation adjusted amount of \$7,047.	
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	2008 SMP does not clarify that removing structures does not constitute “development.” Update per Ecology’s recommended language.	
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA</b> .	2008 SMP does have a section on exceptions. Exemptions are listed in MMC 19.01.060 and references WAC 173-27-040 but not exceptions. Update per DOE recommended language and create a new section for Exceptions.	
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	Update MMC 19.01 to clarify permit filing procedures with DOE . “Date of filing” replaces “date of receipt”. Possibly add a separate section titled	

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		"Filing with the Department of Ecology."	
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.	Not applicable. No commercial forestry in the city.	No Action Required
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Not applicable. No lands with exclusive federal jurisdiction in city limits.	No Action Required
g.	Ecology clarified "default" provisions for <b>nonconforming uses and development</b> .	2008 SMP includes tailored nonconforming uses and development standards. Review to see if this section needs to be updated.	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	2008 SMP does not state the scope and process for conducting periodic reviews of SMPs required by RCW 90.58.080(4). Review for consistency.	
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	2008 SMP does not address the details of the optional SMP amendment process. Can be added to the SMP of land use code.	
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	2008 SMP does not address the details of the SMP submittal process.	
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	MMC 19.01.060 references WAC 173-27-040 and Chapter 90.58 RCW.	No Action Required
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	The city's 2017 Critical Areas Ordinance incorporates Ecology's new rating system and other clarifications. Need to update the CAO in the SMP.	
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of	Review for consistency. Update per Ecology's recommended language.	

Row	Summary of change	Review	Action
	Transportation (WSDOT) projects.		
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).	The Shoreline Management code cites the RCW for lists of exemptions.	No Action Required
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	The city does not have any floating on-water residences.	No Action Required
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP does not clarify the SMP appeal process. The city will rely on state laws and rules.	No Action Required
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The 2017 CAO references the federal wetland delineation manual. Incorporate the updated CAO in the SMP.	
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	There are no marine shorelines in the city.	No Action Required
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	There are no floating homes in the city.	No Action Required
d.	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	Review for consistency.	
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	Review for consistency.	
2009			
a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a	Add new section for Requests for Relief from Shoreline Regulations if needed.	

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
	shift in Ordinary High Water Mark.		
<b>b.</b>	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Wetland Mitigation Banking is allowed in current CAO regulations.	No Action Required
<b>c.</b>	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Current regulations do not address SMP Moratoria Authority. Add new section or rely on the statute or adopt these provisions into other ordinances.	
<b>2007</b>			
<b>a.</b>	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.	2008 SMP (Figure 8) shows the Floodway Area using FEMA FIRM maps. Add the definition of "floodway" per Ecology's recommended language.	
<b>b.</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.	2008 SMP lists the Skykomish River, Woods Creek, and Lake Tye in the SMP Inventory but there is not a separate list or map of streams and lakes. Add a list and map of streams and lakes.	
<b>c.</b>	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.	MMC 19.01.060(A)(1) relies on reference to statute.	No Action Required