

## City of Maple Valley 2019 Periodic Review Checklist

### 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
2017			
a.	The Office of Financial Management adjusted the <b>cost threshold for substantial development</b> to \$7,047.	The draft SMP definition for “Substantial Development” cites a cost threshold of \$5,000. The ‘Exemptions’ section of Section VI cites a cost threshold of \$5,000. The definition for “Exemption” and the ‘Exemptions’ section of Section VI both reference WAC 173-27-040 for a complete list of exemptions.  <b>Relevant Location(s):</b> Definitions for “Exemption” and “Substantial Development” in Chapter 2 and Section 7.6.	<b>Mandatory:</b> Update the definition for “Substantial Development” and Section 7.6 to cite the updated cost threshold.  <i>Note: The ‘Exemptions’ section of Section VI has been re-classified as Section 7.6 in the revised SMP.</i>
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	The draft SMP definition for “Development” does not clarify that development does not include dismantling or removing structures.  <b>Relevant Location(s):</b> Definition for “Development” in Chapter 2.	<b>Mandatory:</b> Revise the definition for “Development” to include clarifying language from WAC 173-27-030(6).
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	The draft SMP does not address these exceptions to local review  <b>Relevant Location(s):</b> Section 7.5	<b>Mandatory:</b> Add reference to statutory exceptions to local review to the SMP.  <i>Note: Section 7.5 was created in the revised SMP to address this amendment.</i>
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	The draft SMP does not address permit filing procedure.  <b>Relevant Location(s):</b> Section 7.11	<b>Recommended:</b> Incorporate Ecology’s example language to describe permit filing procedures in accordance with WAC 173-27-130 and RCW 90.58.040(6).  <i>Note: Section 7.11 was created in the revised SMP to address this amendment.</i>

**Commented [AP1]: Chapter 2:** Revised definition of “Substantial Development” to cite updated cost threshold.  
**Section 7.6:** Revised language to reference RCW 90.58.030(3)(e) and WAC 173-27-040 directly.

**Commented [AP2]: Chapter 2:** Revised definition of “Development” to include clarifying language from WAC 173-27-030(6).

**Commented [AP3]: Section 7.5:** Created section to reference statutory exceptions in WAC 173-27-044 and -045.

**Commented [AP4]: Section 7.11:** Created section to address permit filing procedures.

Row	Summary of change	Review	Action
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 Shoreline Substantial Development Permits.	The draft SMP does not address forest practices.	<b>No change needed.</b>
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	The draft SMP does not address lands under exclusive federal jurisdiction.	<b>No change needed.</b>
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	The draft SMP includes provisions related to nonconforming uses and development in Section VI. The draft SMP includes a definition for “Nonconforming development.”  <b>Relevant Location(s):</b> Definition for “Nonconforming development” in Chapter 2 and Section 7.15.	<b>Recommended:</b> Update definitions section to include distinct definitions for “Nonconforming Use,” “Nonconforming Structure,” and “Nonconforming Development” in accordance with WAC 173-27-080. <b>Adopt</b> the updated provisions of WAC 173-27-080 related to nonconforming use and development.  <i>Note: The “Nonconforming Lots, Structures, and Uses” Section has been re-classified as Section 7.15 in the revised SMP.</i>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	The draft SMP does not discuss the process for conducting periodic reviews.	<b>No change needed.</b>
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	The draft SMP does not address the optional SMP amendment process that allows for a shared local/state public comment period.	<b>No change needed.</b>
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	The draft SMP does not address submittal to Ecology of proposed SMP amendments.	<b>No change needed.</b>
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to	The draft SMP references WAC 173-27-040 for a complete list of exemptions.	<b>Recommended:</b> Remove text list of exemptions from SMP

**Commented [AP5]: Chapter 2:** Updated to include distinct definitions for “Nonconforming Use,” “Nonconforming Structure,” and “Nonconforming Development,” consistent with WAC 173-27-080.

**Commented [AP6]: Section 7.15:** Created section to incorporate the provisions of WAC 173-27-080 into the SMP.

Row	Summary of change	Review	Action
	comply with the <b>Americans with Disabilities Act</b> .	<b>Relevant Location(s):</b> Definition for "Exemption" in Chapter 2 and Section 7.6.	and rely solely on reference to WAC 173-27-040.  <i>Note: The 'Exemptions' section of Section VI has been re-classified as Section 7.6 in the revised SMP.</i>
<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	The draft SMP adopts the City's CAO (MVMC 18.60) by reference. The CAO references the 2004 wetland rating system.  <b>Relevant Location(s):</b> Section 4.2 and Appendix A 18.60.260.	<b>Mandatory:</b> Update shoreline critical areas regulations to reference the 2014 wetland rating system.  <i>Note: Appendix A was created to address Shoreline Critical Areas Regulations in the revised SMP.</i>
<b>2015</b>			
<b>a.</b>	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	The draft SMP does not address the 90-day target for local review of WSDOT projects. No WSDOT roadways near shoreline jurisdiction in Maple Valley.	<b>No change needed.</b>
<b>2014</b>			
<b>a.</b>	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). ( <i>Effective November 2018: thresholds increased to \$22,500 and \$11,200, respectively</i> ).	The 'Exemptions' section of Section VI, and the 'Docks and Floats' section cite a cost threshold of \$10,000 for docks and does not make reference to replacement docks or the updated threshold. The definition for "Exemption" and the 'Exemptions' section of Section VI both reference WAC 173-27-040 for a complete list of exemptions. <b>Relevant Location(s):</b> Definitions for "Exemption" and "Substantial Development" in Section 2 and Section 7.6.	<b>Mandatory:</b> Remove text list of exemptions from SMP and rely solely on reference to WAC 173-27-040.  <i>Note: The 'Exemptions' section of Section VI has been re-classified as Section 7.6 in the revised SMP.</i>

**Commented [AP7]: Section 7.6:** Revised language to reference RCW 90.58.030(3)(e) and WAC 173-27-040 directly.

**Commented [AP8]: Appendix A, Section 18.60.260:** Updated section to reference the 2014 Ecology Wetland Rating System.

**Commented [AP9]: Section 7.6:** Revised language to reference RCW 90.58.030(3)(e) and WAC 173-27-040 directly.

Row	Summary of change	Review	Action
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	There are no existing floating on-water residences in Maple Valley.	<b>Not applicable.</b>
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures.</b>	The draft SMP does not address SMP appeal procedures.	<b>No change needed.</b>
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual.</b>	The draft SMP adopts the City's CAO (MVMC 18.60) by reference to regulate shoreline critical areas. The CAO references the state delineation manual.  <b>Relevant Location(s):</b> Appendix A 18.60.030(P)	<b>Mandatory:</b> Revise the definition of "Wetland Edge" in shoreline critical areas regulations to reference the approved federal wetland delineation manual and applicable regional supplement.  <i>Note: Appendix A was created to address Shoreline Critical Areas Regulations in the revised SMP.</i>
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture.</b>	There are no saltwater shorelines in Maple Valley.	<b>Not applicable.</b>
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 existing floating on-water residences in Maple Valley.	<b>Not applicable.</b>
d.	The Legislature authorized a new <b>option to classify existing structures as conforming.</b>	The draft SMP does not classify existing structures as conforming.  <b>Relevant Location(s):</b> Section 5.3.3, Section 7.15	<b>Recommended:</b> Revise Section 7.15 to classify existing legally established non-conforming residential structures as conforming.  <i>Note: The "Nonconforming Lots, Structures, and Uses" Section has been re-classified as Section 7.15 in the revised SMP.</i>
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	The draft SMP adopts the City's CAO (MVMC 18.60) by reference. However, the draft	<b>Mandatory:</b> Revise the draft SMP to incorporate a distinct set of shoreline specific critical

**Commented [AP10]:** SMP Appendix A, Section 18.60.030(P): Revised section to reference approved federal delineation manual.

**Commented [AP11]:** Section 5.3.3, Regulation 9: Created regulation to clarify that existing residential structures are classified as conforming.

**Section 7.15:** Revised language to clarify that existing residential structures are classified as conforming.

Row	Summary of change	Review	Action
		SMP does not exclude sections of the CAO which may conflict with the SMA, nor does it reference a specific, dated version of the CAO. The draft SMP does not describe the “effective date” of SMP amendments.  <b>Relevant Location(s):</b> Section 1.4.4, Section 4.3, and Appendix A	areas regulations into the SMP. Establish that the effective date of SMP amendments are effective 14 days from Ecology’s written notice of final action.  <i>Note: Appendix A was created to address Shoreline Critical Areas Regulations in the revised SMP.</i>
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.	The draft SMP does not include relief procedures for shoreline restoration projects that create a shift in OHWM.  <b>Relevant Location(s):</b> Section 6.5	<b>Recommended:</b> Incorporate reference to WAC 173-27-215 for criteria and procedures for instances in which a shoreline restoration project creates a shift in OHWM.  <i>Note: Section 6.5 was created to address Shoreline Restoration and Natural Systems Enhancement in the revised SMP.</i>
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	The draft SMP adopts the City’s CAO (MVMC 18.60) by reference to regulate shoreline critical areas. The CAO allows for the use of wetland mitigation banks. <b>Relevant Location(s):</b> MVMC 18.60.290	<b>No change needed.</b>
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	The draft SMP does not address moratoria authority.	<b>Recommended:</b> Address moratoria authority in the SMP. Ecology has provided example language.  <i>Note: Section 7.16 was created to address moratoria authority in the revised SMP.</i>
2007			
a.	The Legislature clarified <b>options for defining “floodway”</b> as either the area that has been	Neither the draft SMP or MVMC 18.60 include a definition for “Floodway.”	<b>No change needed.</b>

**Commented [AP12]: Section 4.3:** Revised section to establish Appendix A as Maple Valley’s Shoreline Critical Areas Regulations.

**Appendix A:** Created Appendix A to establish Shoreline Critical Areas Regulations.

**Commented [AP13]: Section 1.4.4:** Created section to establish the effective date of the SMP as 14 days from the date of Ecology’s written notice of final approval.

**Commented [AP14]: Section 6.5.3, Regulation 5:** Added regulation to incorporate reference to WAC 173-27-215.

**Commented [AP15]: Section 7.16:** Created section to establish moratoria authority using Ecology’s recommended language.

Row	Summary of change	Review	Action
	established in FEMA maps, or the floodway criteria set in the SMA.	There is no floodway associated with the shorelines of Maple Valley.	
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.	The SMP includes lists and maps of lakes that are in shoreline jurisdiction.	<b>No change needed.</b> Update maps as necessary.
c.	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.	The draft SMP references WAC 173-27-040 for a complete list of exemptions.  <b>Relevant Location(s):</b> Definition for "Exemption" in Section 2 and Section 7.6.	<b>Recommended:</b> Remove text list of exemptions from SMP and rely solely on reference to WAC 173-27-040.  <i>Note: The 'Exemptions' section of Section VI has been re-classified as Section 7.6 in the revised SMP.</i>

**Commented [AP16]: Section 3.7:** Shoreline jurisdiction maps updated for improved usability.

**Commented [AP17]: Section 7.6:** Revised language to reference RCW 90.58.030(3)(e) and WAC 173-27-040 directly.