

# City of Lake Stevens SMP Periodic Update

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## DRAFT SMP Update Report

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## Attachments

Attachment A: Periodic Review Checklist



## 1. Introduction

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In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with “Shorelines of the State” are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

Shorelines of the State in the City of Lake Stevens (City) include Lake Stevens, Catherine Creek, and Little Pilchuck Creek. The City adopted its current SMP in 2013 (Ordinances No. 856 & 889). The SMP includes goals and policies, shoreline environment designations, and development regulations that guide the development and protection of these shorelines.

As a first step in the periodic review process, the current SMP was reviewed to better understand what aspects may require updates. The purpose of this SMP Update Report is to provide a summary of the review and inform updates to the SMP. The report is organized into the below sections according to the content of the review.

- **Section 2** identifies gaps in consistency with state laws, rules and implementation guidance. This analysis is based on the Washington State Department of Ecology (Ecology) Periodic Review Checklist.
- **Section 3** addresses critical areas regulations in shoreline jurisdiction. The City is in the process of updating its Critical Areas Ordinance (CAO), which applies to critical areas outside of shoreline jurisdiction, and expects to adopt an updated CAO later this year. The SMP, in Appendix B, contains its own distinct set of regulations that apply to critical areas within shoreline jurisdiction. Section 3 identifies gaps in consistency between the draft CAO (dated November 20, 2018) and SMA implementation.
- **Section 4** identifies gaps in consistency with the City’s Comprehensive Plan (adopted 2015) and with implementing City development regulations other than those in the CAO. Specifically, the review includes Lake Stevens Municipal Code (LSMC) Title 14, Land Use Code.
- **Section 5** identifies City staff-recommended amendments to consider as part of the SMP update.

Each section of this report presents findings in a table. Where potential revision actions are identified, they are classified as follows:

- **“Mandatory”** indicates revisions that are required for consistency with state laws.

- **“Recommended”** indicates revisions that would improve consistency with state laws, but are not strictly required.
- **“Optional”** indicates revisions that represent ways in which the City could elect to amend its SMP in accordance with state laws, but that are not required or recommended for consistency with state laws.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1-1.

Table 1-1. Abbreviations used in this document.

Abbreviation	Meaning
CAO	Critical Areas Ordinance
City	City of Lake Stevens
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
LSMC	Lake Stevens Municipal Code
RCW	Revised Code of Washington
SMA	Shoreline Management Act
SMP	Shoreline Master Program
WAC	Washington Administrative Code

## 2. Consistency with Recent State Amendments

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As noted above, this section identifies gaps in consistency with state laws, rules and implementation guidance. This analysis is based on a list of recent amendments as summarized by Ecology in its Periodic Review Checklist. A completed version of the Periodic Review Checklist is appended to this report (Attachment A).

Overall, few mandatory amendments are identified, with several more indicated as recommended or optional amendments. In general, the potential amendments identified in the Periodic Review Checklist are minor in nature. They primarily concern amendments to exemptions, definitions, and administrative procedures.

## 3. Consistency with Critical Areas Ordinance

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The City is currently working towards adoption of an updated Critical Areas Ordinance later this year. The SMP currently contains a distinct set of critical areas regulations in Appendix B,

and does not adopt the City’s CAO by reference. The City would like to retain this approach, using the updated CAO as the basis for developing an updated SMP Appendix B.

However, the updated CAO contains several provisions that are inconsistent with the SMA and require modification or elimination when developing the updated SMP Appendix B. Table 3-1 identifies the gaps in consistency between the updated CAO and SMA implementation that will need to be addressed when developing the updated Appendix B. For purposes of this SMP Update Report, the most recent version of the draft CAO (dated November 20, 2018) is reviewed.

Table 3-1. Summary of gaps in consistency with the updated CAO and SMA implementation.

No.	Topic	Review and Relevant Location(s)	Action
1	Code sections inconsistent with the SMA or Ecology guidance	<p><b>Review:</b>            The updated CAO includes several code provisions that are inconsistent with the SMA or Ecology guidance and should be excluded from SMP Appendix B.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ LSMC 14.88.210(a)(1) &amp; (3)</li> <li>○ LSMC 14.88.310</li> <li>○ LSMC 14.88.320</li> <li>○ LSMC 14.88.330</li> <li>○ LSMC 14.88.330(f)</li> </ul> </li> </ul>	<p><b>Mandatory:</b> Exclude the following provisions of the updated CAO from SMP Appendix B:</p> <ul style="list-style-type: none"> <li>• LSMC 14.88.210(a)(1) &amp; (3) (references to exemptions and reasonable use)</li> <li>• LSMC 14.88.310 (reasonable use)</li> <li>• LSMC 14.88.320 (reasonable use)</li> <li>• LSMC 14.88.330 (nonconforming activities)</li> <li>• LSMC 14.88.830(f) (wetland buffer reduction)</li> </ul>
2	Definition of “Qualified Professional”	<p><b>Review:</b>            The proposed update includes the addition of a definition for “Qualified Professional” in LSMC 14.08, as LSMC 14.88 does not include a distinct set of definitions.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ LSMC 14.88.100 Definitions (reference to LSMC 14.08 Definitions)</li> </ul> </li> <li>• <b>SMP</b> <ul style="list-style-type: none"> <li>○ Chapter 6 Definitions</li> </ul> </li> </ul>	<p><b>Recommended:</b> Add the new definition for “Qualified Professional” to SMP Chapter 6 Definitions to carry this definition over to the SMP.</p>
3	Formatting and consistency	<p><b>Review:</b>            The updated CAO includes internal references to other sections in LSMC 14.88, makes several references to the “Planning and Community Development Director,” and</p>	<p><b>Recommended:</b> Replace internal code references with appropriate references within the SMP and/or Appendix B. Replace references to the “Planning and Community Development Director” with references to the “Shoreline</p>

No.	Topic	Review and Relevant Location(s)	Action
		<p>makes references to zones/zoning. In many cases these references should be changed in order to adopt the updated CAO as the updated SMP Appendix B.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ Various locations</li> </ul> </li> </ul>	<p>Administrator.” Replace references to zones or zoning with references to environment designations, where appropriate.</p>
4	Applicability to critical areas within shoreline jurisdiction	<p><b>Review:</b> The updated CAO properly asserts its applicability to critical areas in Lake Stevens. In order to amend this document for adoption as SMP Appendix B, the sections on purpose and intent and applicability should be modified to clearly establish that the provisions of Appendix B apply to critical areas within shoreline jurisdiction.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ LSMC 14.88.010</li> <li>○ LSMC 14.88.200</li> </ul> </li> </ul>	<p><b>Recommended:</b> Modify the text in LSMC 14.88.010 to clearly establish the goal of no net loss of acreage or function of shoreline critical areas. Modify the text in LSMC 14.88.200 to clarify that the provisions of SMP Appendix B apply to shoreline critical areas within Lake Stevens.</p>
5	Geologically hazardous areas	<p><b>Review:</b> The updated CAO does not include certain SMA provisions for geologically hazardous areas in WAC 173-26-221. These provisions are included in Appendix B of the existing SMP.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>Existing SMP Appendix B</b> <ul style="list-style-type: none"> <li>○ 5.C(c)</li> <li>○ 5.C(d)</li> </ul> </li> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ LSMC 14.88.620</li> </ul> </li> </ul>	<p><b>Mandatory:</b> Carry over existing SMP Appendix B regulations 5.C(c) and 5.C(d) to the updated CAO for consistency with WAC 173-26-221.</p>
6	Wetland mitigation requirements	<p><b>Review:</b> The updated CAO does not include language requiring the submittal of a watershed plan if off-site wetland mitigation is proposed as indicated by WAC 173-26-201(2)(e)(ii)(B). This</p>	<p><b>Recommended:</b> Add language from current SMP Appendix B (at 6.E(a)(1)) that states “A watershed plan must be submitted if off-site mitigation is proposed;” to the updated SMP Appendix B.</p>

No.	Topic	Review and Relevant Location(s)	Action
		language is included in the existing SMP Appendix B.  <b>Relevant Location(s):</b> <ul style="list-style-type: none"> <li>• <b>Existing SMP Appendix B</b> <ul style="list-style-type: none"> <li>○ 6.E(a)(1)</li> </ul> </li> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ LSMC 14.88.840(a)(1)</li> </ul> </li> </ul>	
7	Buffers for Fish and Wildlife Habitat Conservation Areas	<b>Review:</b> The updated CAO does not include a preamble that exists in the existing SMP Appendix B that clarifies the applicability of shoreline buffers and Fish and Wildlife Habitat Conservation Areas buffers.  <b>Relevant Location(s):</b> <ul style="list-style-type: none"> <li>• <b>Existing SMP Appendix B</b> <ul style="list-style-type: none"> <li>○ Part 3</li> </ul> </li> <li>• <b>Updated CAO</b> <ul style="list-style-type: none"> <li>○ LSMC 14.88 Part IV</li> </ul> </li> </ul>	<b>Recommended:</b> Add preamble from existing SMP Appendix B Part 3 to updated CAO for clarity in SMP implementation.

## 4. Consistency with Comprehensive Plan and Other Development Regulations

Table 4-1 identifies gaps in consistency with the City’s Comprehensive Plan and development regulations, including LSMC Title 14, Land Use Code. In general, cross-references and consistency between these documents could be strengthened to improve clarity and application of the SMP.

Table 4-1. Summary of gaps in consistency with LSMC Title 14, Land Use Code, and the Lake Stevens Comprehensive Plan.

No.	Topic	Review and Relevant Location(s)	Action
<b>Comprehensive Plan</b>			
1	Shoreline Element	<b>Review:</b> Under state law, the goals and policies of an SMP are considered an element of a jurisdiction’s Comprehensive Plan. The Lake Stevens SMP indicates that its	<b>Recommended:</b> Consider explicitly indicating in the Comprehensive Plan that the policies in the SMP constitute the Shoreline Element of the City’s Comprehensive Plan, perhaps during the next update of

No.	Topic	Review and Relevant Location(s)	Action
		<p>policies constitute the Shoreline Element of the City’s Comprehensive Plan. While the Environmental and Natural Resources Element of the Comprehensive Plan includes a discussion of the SMP, as well as a goal (4.2) and associated policies related to implementing the SMA; it does not explicitly establish the policies of the SMP as an element of the plan.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>Comprehensive Plan</b> <ul style="list-style-type: none"> <li>○ Chapter 4</li> </ul> </li> <li>• <b>SMP</b> <ul style="list-style-type: none"> <li>○ 3.B.1.c</li> </ul> </li> </ul>	<p>the Comprehensive Plan. Alternatively, consider incorporating the policies of the SMP into a new Shoreline Element of the Comprehensive Plan, perhaps during the next update of the Comprehensive Plan.</p>
<b>Development Regulations</b>			
2	Permit filing procedures	<p><b>Review:</b> Title 14 Land Use Code, indicates that the shoreline permit appeal comment period is 21 days from the date of receipt, as defined in RCW 90.58.180. Section 2 of this report recommends updating the SMP to reference the date of filing, as defined by RCW 90.58.140(6), in accordance with legislative updates made since adoption of the SMP. The associated language in Title 14 should also be updated.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>LSMC</b> <ul style="list-style-type: none"> <li>○ 14.16B.710(h)</li> <li>○ 14.16B.720(b)</li> </ul> </li> </ul>	<p><b>Mandatory:</b> Update LSMC 14.16B for consistency with legislative amendments.</p>
3	Definitions	<p><b>Review:</b> The relationship between the definitions in LSMC 14.08.010 and SMP Chapter 6 could be made more explicit.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>LSMC</b></li> </ul>	<p><b>Recommended:</b> Consider introducing SMP Chapter 6 with the following text or similar: “Unless otherwise defined in this chapter, the definitions provided in LSMC 14.08.010 shall apply. If there is a conflict, the definitions in this chapter shall govern.”</p>

No.	Topic	Review and Relevant Location(s)	Action
		<ul style="list-style-type: none"> <li>○ 14.08.010 Definitions</li> <li>● <b>SMP</b></li> <li>○ Chapter 6 Definitions</li> </ul>	

## 5. Staff-recommended Amendments

City planning staff have proposed several amendments to the SMP. Table 5-1 discusses the more significant amendments. Other minor staff-recommended amendments are not included in the table.

Table 5-1. Staff recommendations.

No.	Topic	Review and Relevant Location(s)	Action
1	Shoreline environment designations	<p><b>Review:</b>            The SMP includes tables of parcel numbers to indicate the extents of shoreline environment designations. These tables are not required. The City can rely solely on maps to indicate shoreline environment designation boundaries. City staff have also noted that the shoreline environment designation maps will need to be updated based on the Downtown Plan and pending Rhodora annexation.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>● <b>SMP</b></li> <li>○ Chapter 2</li> <li>○ Appendix A</li> </ul>	<p><b>Recommended:</b> Remove parcel number tables from the SMP. Update shoreline environment designation maps to address the Downtown Plan and pending Rhodora annexation.</p>
2	Shoreline stabilization	<p><b>Review:</b>            Shoreline stabilization section could better distinguish maintenance versus replacement of shoreline stabilization and related regulations. Additional flexibility for replacing bulkheads should be considered if consistent with the SMA. Section should be reviewed for overall consistency with WAC 173-26-231.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>● <b>SMP</b></li> </ul>	<p><b>Recommended:</b>            Revise shoreline stabilization provisions to clarify what constitutes maintenance and what constitutes replacement, and what regulations are applicable. Provide more flexible approaches for replacing bulkheads if consistent with the SMA. Review the shoreline stabilization section for overall consistency with WAC 173-26-231 and revise as needed.</p>

No.	Topic	Review and Relevant Location(s)	Action
		<ul style="list-style-type: none"> <li>○ 4.C.2</li> </ul>	
3	Development standards for new docks	<p><b>Review:</b> City staff have noted inconsistencies between the text and the figures that are included in the SMP Chapter 4.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>SMP</b> <ul style="list-style-type: none"> <li>○ 4.C.3.c.24.c</li> <li>○ 4.C.3.d.24.i</li> </ul> </li> </ul>	<p><b>Recommended:</b> Update the text and figures in SMP Chapter 4 for consistency with each other.</p>
4	Stormwater manual	<p><b>Review:</b> Chapter 5 of the SMP contains a reference to the 2005 Stormwater Manual, as amended. This manual has been updated since the adoption of the SMP.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>SMP</b> <ul style="list-style-type: none"> <li>○ 5.C.8.c.3.b</li> </ul> </li> </ul>	<p><b>Recommended:</b> Update section to reference the 2012 Stormwater Management Manual for Western Washington, as amended in 2014.</p>
5	Waterfront deck or patio provisions	<p><b>Review:</b> SMP could be simpler if sections related to residential decks and patios were combined.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>SMP</b> <ul style="list-style-type: none"> <li>○ 5.C.8.c.3.d &amp; e</li> </ul> </li> </ul>	<p><b>Recommended:</b> Combine sections 5.C.8.c.3.d and 5.C.8.c.3.e for increased simplicity and clarity.</p>
6	Nonconforming overwater structures	<p><b>Review:</b> Current regulations tend to preserve the existing configurations of nonconforming structures, even when alternative configurations might be preferable for both the applicant and the environment. Consider opportunities for more flexibility with regards to nonconforming overwater structures if consistent with the SMA.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• <b>SMP</b> <ul style="list-style-type: none"> <li>○ 4.C.3</li> </ul> </li> </ul>	<p><b>Recommended:</b> Amend overwater structures regulations to provide more flexibility as applied to nonconforming structures if consistent with the SMA.</p>

No.	Topic	Review and Relevant Location(s)	Action
7	Repair and replacement of piers/docks	<p><b>Review:</b> SMP currently has separate sections for replacement or repair of existing piers/docks.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• SMP               <ul style="list-style-type: none"> <li>○ 4.C.3.c.25 &amp; 28-32</li> </ul> </li> </ul>	<p><b>Recommended:</b> Consider integrating pier/dock repair and replacement sections for consistency and clarity.</p>
8	Existing uses	<p><b>Review:</b> Existing Structures and Development section of Chapter 7 includes provisions related to existing uses, which would be more appropriately located in the Nonconforming Uses and Lots section.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• SMP               <ul style="list-style-type: none"> <li>○ 7.G &amp; H</li> </ul> </li> </ul>	<p><b>Recommended:</b> Relocate provisions related to existing uses from the Existing Structures and Development section of Chapter 7 to the Nonconforming Uses and Lots section.</p>
9	Residential shoreline access	<p><b>Review:</b> SMP lacks specifics regarding access paths for shoreline residences.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• SMP               <ul style="list-style-type: none"> <li>○ 5.C.8.</li> </ul> </li> </ul>	<p><b>Recommended:</b> In the Residential Development section of Chapter 5, add language specifying the allowance for access paths for shoreline residences and associated standards. Ensure the standards allow for ADA access when needed.</p>
10	Residential landscaping	<p><b>Review:</b> SMP lacks specificity regarding allowances for common types of residential landscaping work.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• SMP               <ul style="list-style-type: none"> <li>○ 5.C.8.</li> </ul> </li> </ul>	<p><b>Recommended:</b> In the Residential Development section of Chapter 5, add language clarifying allowed landscaping work, such as grading and landscape walls.</p>
11	Maintenance of residential development	<p><b>Review:</b> Management policies for the Shoreline Residential environment do not currently mention maintenance.</p> <p><b>Relevant Location(s):</b></p> <ul style="list-style-type: none"> <li>• SMP               <ul style="list-style-type: none"> <li>○ 2.C.4.c</li> </ul> </li> </ul>	<p><b>Recommended:</b> Clarify the allowance for maintenance in the management policies for the Shoreline Residential environment.</p>

SHORELINE MASTER PROGRAM PERIODIC REVIEW

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## 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.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	SMP includes references to previous cost thresholds of \$5,000 (at 7.C.1.a.) and \$5,718 (at 1.E.1).	<b>Mandatory:</b> Update cost thresholds.  <b>Recommended:</b> Consider indicating that cost thresholds are periodically amended if not already indicated.
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	Definitions of “Development” (at 1.E.1 and SMP Chapter 6) do not clarify that removing structures does not constitute “development.”	<b>Recommended:</b> Modify the definitions of “Development” to be consistent with Ecology’s example definition .
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	SMP does not address these exceptions.	<b>Recommended:</b> Add these exceptions to SMP Chapter 7.
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	Filing with Ecology generally addressed in SMP (at 7.B.6 and 7.B.7). SMP includes obsolete reference to “date of receipt” rather than “date of filing” (at 7.C.4).	<b>Mandatory:</b> Update filing procedures language for consistency with current requirements.  <b>Recommended:</b> Use Ecology example language to ensure consistency and clarity.
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.	The City does not have extensive forestry within its shoreline jurisdiction.	No changes needed.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	The City does not have any lands within its shoreline exclusively under federal jurisdiction.	No changes needed.
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	The SMP contains its own provisions regarding nonconforming uses and development. Chapter 6 includes a definition of “Nonconforming development,” but does not include definitions of	No changes needed.  <b>Recommended:</b> Update definition for “nonconforming development,” and add definitons for “nonconforming use” and “nonconforming lot” according to Ecology’s example language.

Row	Summary of change	Review	Action
		“Nonconforming use” and “Nonconforming lot.”	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	SMP does not describe the scope and process for conducting periodic reviews.	No changes needed. Scope and process for conducting periodic reviews not required to be included in SMP.  <b>Optional:</b> Modify the language in SMP Chapter 1 regarding periodic review of the SMP.
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	Neither the SMP (at 7.J) nor the Lake Stevens Municipal Code contain specific amendment process requirements.	No changes needed. SMP amendments process not required to be included in SMP.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	The SMP (at 7.J) does not contain specific amendment process requirements.	No changes needed. SMP amendments submittal process not required to be included in SMP.
<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> .	SMP (at 7.C.1.) refers to WAC 173-27-040 for exemptions and includes a description (in whole or in part) of the exemptions. This exemption is not listed.	<b>Recommended:</b> Amend the SMP (at 7.C.1) to list this exemption.
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Draft CAO to be included as SMP Appendix B contains this requirement (at LSMC 14.88.805(b)).	<b>Mandatory:</b> Include draft CAO as SMP Appendix B, modified as necessary for SMA compatibility.
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	City not likely to have any WSDOT projects subject to the SMP.	No changes needed.
<b>2014</b>			
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).	SMP (at 1.E.1. and 7.C.1.h.) does not include the raised cost threshold for replacement docks.	<b>Mandatory:</b> Update the language in SMP (at 1.E.1. and 7.C.1.h.) to reflect the pertinent WAC (173-27-040(2)(h)).

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>b.</b>	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Not applicable. The City does not have any floating on-water residences, nor does the SMP allow them.	No changes needed.
<b>2012</b>			
<b>a.</b>	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP does not contain specific steps or language for appealing amendments.	No changes needed. SMP appeals procedures are not required to be included in SMP.
<b>2011</b>			
<b>a.</b>	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	Draft CAO to be included as SMP Appendix B contains this requirement (at LSMC 14.88.805(a)). Definitions of “Hydric soil” and “Wetland or wetlands” in SMP Chapter 6 refer to outdated delineation manual.	<b>Mandatory:</b> Include draft CAO as SMP Appendix B, modified as necessary for SMA compatibility. Update the Definitions of “Hydric soil” and “Wetland or wetlands” in SMP Chapter 6.
<b>b.</b>	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	Not applicable. The City has no saltwater shorelines.	No changes needed.
<b>c.</b>	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Not applicable. The City does not have any floating on-water residences, nor does the SMP allow them.	No changes needed.
<b>d.</b>	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	The SMP (at 7.G.) classifies existing structures as conforming.	No changes needed.
<b>2010</b>			
<b>a.</b>	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	The SMP does not address the effective date of SMP amendments. The SMP contains a distinct set of critical areas regulations in Appendix B, eliminating the issue of overlapping critical areas regulations. Further related review is provided in Section 3 of this SMP Update Report.	<b>Mandatory:</b> Include draft CAO as SMP Appendix B, modified as necessary for SMA compatibility.
<b>2009</b>			
<b>a.</b>	The Legislature created new “relief” procedures for instances	The SMP (at 3.B.1.c.6.) references relief procedures	<b>Recommended:</b> Consider updating SMP using Ecology’s

Row	Summary of change	Review	Action
	in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.	for shifts in the OHWM due to shoreline restoration projects via reference to HB 2199.	example language, which includes reference to the criteria and procedures in WAC 173-27-215.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Use of certified mitigation banks is allowed in the SMP (at 3.B.4.c.5.) and the draft CAO to be included as SMP Appendix B (at LSMC 14.88.840(a)(5)).	No changes needed (pertinent language in draft CAO is essentially the same as existing CAO).
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	The SMP does not address moratoria authority and procedures.	No changes needed. City can rely on statute for moratoria authority and procedures.
<b>2007</b>			
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.	The definition of "Floodway" in SMP Chapter 6 is not fully consistent with Ecology guidance.	<p><b>Mandatory:</b> Update "Floodway" definition to be consistent with one of the two options set forth by the Legislature.</p> <p><b>Recommended:</b> Update definition with Ecology's suggested definition for using FEMA maps to establish the floodway.</p>
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.	List included in SMP (at 1.D.1.). Map included in SMP (Appendix A).	No changes needed.
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.	SMP (at 7.C.1.) refers to WAC 173-27-040 for exemptions and includes a description (in whole or in part) of the exemptions. The exemption for fish habitat enhancement projects is included (at 7.C.1.p.).	<p>No changes needed.</p> <p><b>Recommended:</b> Consider updating the exemption language in SMP (at 7.C.1.p.) with Ecology's example language, which includes reference to the criteria in RCW 77.55.181.</p>