



# City of Mukilteo

## 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\(4\)](#). Mukilteo is required to update its Shoreline Master Program by July 1, 2019.

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

### State Law, Rules and Department of Ecology Guidance – Shoreline Management Regulations

Row	Summary of change	Review	Action
<b>2017</b>			
a.	Office of Financial Management adjusted the <b>cost threshold for substantial development</b> to \$7,047.	MMC 17B.13.020(2) relies on reference to statute	No Action Required
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	MMC 17B.08 – Definitions: Update per Ecology’s recommended language	Amended the definition of development
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	Exemptions are provided, but not exceptions; update per Ecology recommended language; create new section MMC 17B.13.015 - Exceptions	Added new section 17B.13.015 Exceptions
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	Update MMC 17B.13.150 to reflect “date of filing” requires decisions to be filed with Ecology by “return receipt”	Updated 17B.13.150 to add date of filing requirements
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest	“Development” Definition, MMC 17B.08, needs to be	Included “Forestry” under exclusions in the new section

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
	practices that only involve timber cutting are not SMA “developments” and do not require substantial development permits (SDP).	updated to reflect change; Add Forestry exclusion under new section MMC 17B.13.015 - Exclusions	17B.13.015
<b>f.</b>	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Add Federal jurisdiction under new section MMC 17B.13.015 - Exclusions	Added Federal jurisdiction under new section MMC 17B.13.015 - Exclusions
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	MMC 17B.68 makes the distinction between non-conforming uses, structures and lots; review this section to determine if amendments are needed; Update MMC 17B.08 – Definitions if necessary	Updated 17B.68 to be consistent with the State for nonconforming uses and development
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	MMC 17B.72.060 references state statute regarding SMP updates; Check code references to ensure compliance with most current WAC’s and RCW’s	Reviewed and updated 17B.72.060 to ensure compliance with the most current WACs and RCWs
<b>i.</b>	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	Add new section to MMC 17B.72.060 to reference WAC 173-26-104, Optional SMP Amendment Process	Amended section 17B.72.060 to update to reference WAC 173-26-104, Optional SMP Amendment Process
<b>j.</b>	<b>Submittal</b> to Ecology of proposed SMP amendments.	Update MMC 17B.72.060 to reference WAC 173-26-110 &120, SMP submittal requirements	Updated 17B.72.060 to include reference to WAC 173-26-110 &120, SMP submittal requirements
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	MMC 17B.13.020(2) relies on reference to statute	No Action Required
<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Update MMC 17B.52 and 52B to incorporate 2014 and 2016 Ecology guidance	Amended 17B.52 and 52B to incorporate 2014 and 2016 Ecology guidance
<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)	Add new section MMC 17B.13.125 – Special Procedures for WSDOT Projects per RCW 47.01.485	Added new section 17B.13.125 – Special Procedures for WSDOT Projects per RCW 47.01.485

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
	projects.		
<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).	MMC 17B.13.020(2) relies on reference to statute  Review MMC 17B.16.115 – Development Regulations for Urban Lake Front Environment – for compliance	No Action Required  Reviewed 17B.16.115 for compliance
<b>b.</b>	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	N/A; There are no FOWR's in Mukilteo	No Action Required
<b>2012</b>			
<b>a.</b>	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP appeal process is not outlined in City code; rely on state statute	No Action Required
<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> .	Update MMC 17B.52 – Critical Areas, 52B - Wetlands and MMC 17B.08 -Definitions to incorporate 2014 and 2016 Ecology guidance	Updated 17B.52 – Critical Areas, 52B - Wetlands and MMC 17B.08 -Definitions to incorporate 2014 and 2016 Ecology guidance
<b>b.</b>	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	Acquaculture is currently not allowed in Mukilteo; Evaluate changing the permitting use matrix – MMC 17B.16 to allow Tulalip Tribal Aquaculture Requests under treaty rights	Amended the permitted use matrix –17B.16 to allow Tulalip Tribal Aquaculture Requests under treaty rights
<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.	N/A; There are no FOWR's in Mukilteo	No Action Required
<b>d.</b>	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	MMC 17B.68 addresses non-conforming structures; review this section to determine if amendments are needed	Updated 17B.68 address nonconforming structures
<b>2010</b>			
<b>a.</b>	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	Review: MMC 17B.68 for compliance with “grandfather” clause;	Reviewed 17B.68 for compliance with “grandfather” clause; 17B.52

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
		MMC 17B. 52 and 52B for compliance with wetland changes; Update MMC 17B.72.060 to ensure “effective date” matches state statute	and 52B for compliance with wetland changes; updated 17B.72.060 to ensure “effective date” matches state statute
<b>2009</b>			
<b>a.</b>	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within an Urban Growth Area</b> creates a shift in Ordinary High Water Mark.	Evaluate impacts of Japanese Gulch Daylighting project and potential Big Gulch Estuary project on shoreline jurisdiction; add new section MMC 17B.13.045 – Requests for Relief from Shoreline Regulations if needed	Added new section 17B.13.045 Requests for Relief from Shoreline Regulations if needed
<b>b.</b>	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	MMC 17B.52B.100 allows use of wetland mitigation banks	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 MMC 17B.72.070 – Moratoria Authority	Added new section 17B.72.070 – Moratoria Authority
<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.	Review definitions in MMC 17B.08 and MMC 17B.52D – Flood Hazard Areas for compliance	Amended 17B.08 to reflect the FEMA definition of floodway and 17B.52D for Flood Hazard Areas for compliance with FEMA
<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.	Table 1, MMC 17B.52C.080 lists all streams in the City and MMC 17B.52C.080(b) addresses Lake Serene (in Municipal Urban Growth Area); Add maps	This map is located in the Shoreline Master Program and staff felt there was no need to include it in the regulations.
<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 17B.13.020(2) relies on reference to statute	No Action Required

### Changes in Local Circumstances or Implementation

Row	Summary of change	Review	Action
<b>Circumstances:</b>			
a.	Changes along the Mukilteo Waterfront	Update with new information from the Washington State Ferries (WSF) Project, Tank Farm Master Plan, and Updated Policies	Updated information regarding the Waterfront Master Plan, WSF project and updated policies
<b>Local Implementation:</b>			
a.	Adress changes in code that were / are impediments to WSF, NOAA and Tulalip Property Redevelopment	Building setback and height Setbacks from promenade Inconsistent sidewalk widths Parking setbacks Update Maps Word Search for “Mayor or his designee” Investigate “Intercity Plateau Aqafter” and evaluat if it impacts Mukilteo	Amended 17B.20 Bulk Regulations regarding building heights, setbacks from promenade and inconsistent sidewalk widths.  Updated Shoreline Designation Maps, deleted “his”  Reviewed “Intercity Plateau Aqafter” and found the northwestern portion of the Tank Farm overlies the Intercity Plateau aquifer in the Urban Waterfront. This area was identified as a significant recharge area for the aquifer; however, it is likely that shallow groundwater passes through the site beneath existing pavement and discharges to the shoreline. This has no impact on the City of Mukilteo as the redevelopment of the Tank Farm is currently undergoing construction of the new Ferry Terminal Building and holding lanes.

Shoreline Master Program – The Following Changes are Being Initiated by the City to Incorporate Changing Local Conditions

Row	Summary of change	Review	Action
<b>Cover Page, Acknowledgements and TOC</b>			
	Amend format to resemble 2015-2035 Comprehensive Plan and update as needed		Due to staffing shortages, the City was unable to format the SMP to resemble the 2015-2035 Comprehensive Plan
<b>Chapter 1: Introduction</b>			
	<ul style="list-style-type: none"> <li>▪ Update local demographics</li> <li>▪ Update all maps</li> <li>▪ Update minor procedural and process sections</li> <li>▪ Clarify SMP is a stand alone document</li> </ul>		Updated introduction section
<b>Chapter 2: Shoreline Environmental Designations</b>			
	<ul style="list-style-type: none"> <li>▪ Minor contextual edits</li> <li>▪ Update map – Environmental Designations</li> </ul>		Updated maps and clarified information
<b>Chapter 3: Policies</b>			
	<ul style="list-style-type: none"> <li>▪ Review all policies with Planning Commission</li> <li>▪ Ensure policies are consistent with 2015-2035 Comprehensive Plan</li> </ul>		Reviewed the policies with the Planning Commission to ensure they were consistent with the 2015-2035 Comprehensive Plan
<b>Chapter 4: Administration &amp; Permit Procedures</b>			
	Minor contextual edits only		Reviewed and provided minor edits. Added exceptions to the chapter
<b>Chapter 5: Inventory Characteristics</b>			
	<p>No requirement to update inventory data, however the following edits are necessary:</p> <ul style="list-style-type: none"> <li>▪ Update Water Resources Inventory Areas (WRIA) maps</li> <li>▪ Review “regional strategies to improve shorelines” to see if they are still current</li> <li>▪ Review and update the new FEMA Flood Plain locations for Snohomish County</li> <li>▪ Include new wildlife and salmon data from Edmonds Community College’s wildlife monitoring program</li> <li>▪ Identify and review “Intercity Plateau Aquifer” to determine if there are any impacts on Mukilteo</li> </ul>		Reviewed and updated as needed: the WRIA maps, “regional strategies to improve shorelines” to see if they are still current, reviewed and updated the new FEMA Flood Plain locations for Snohomish County; included new wildlife and salmon data from EdCC’s wildlife monitoring program; identified and reviewed the “Intercity Plateau Aquifer” to determine if there are any impacts on Mukilteo

Row	Summary of change	Review	Action
<b>Chapter 6: Shoreline Protection, Enhancement and Restoration</b>			
	<p>No requirement to update data, however the following edits are necessary:</p> <ul style="list-style-type: none"> <li>▪ Update or delete “introduction” section with references to annexations</li> <li>▪ Review “WRIA 8 Watershed Recovery Plan” to determine if general recommendation have been updated or changed</li> <li>▪ Update maps</li> <li>▪ Update project lists, maps and pictures</li> </ul>		<p>Removed reference to annexation, reviewed WRIA 8 Recovery Plan, updated maps and updated project lists, maps and pictures</p>
<b>Chapter 7: Cumulative Impacts Analysis Summary</b>			
	<p>No requirement to update cumulative impacts, however the following edits are necessary:</p> <ul style="list-style-type: none"> <li>▪ Update text and Table 2: pilings and overwater coverage, for consistency with ferry terminal project</li> <li>▪ Update proposed / completed nearshore project list</li> <li>▪ Add Downtown Waterfront Master Plan map and description</li> <li>▪ Update references to transportation and circulation with data from 2015-2035 Comprehensive Plan</li> <li>▪ Amend the Public Services and Noise sections to reflect current conditions with WSF ferry plans and operations</li> </ul>		<p>Updated the text and Table 2: pilings and overwater coverage, for consistency with ferry terminal project; updated proposed / completed nearshore project list; added Downtown Waterfront Master Plan map and description; updated references to transportation and circulation with data from 2015-2035 Comprehensive Plan; amended the Public Services and Noise sections to reflect current conditions with WSF ferry plans and operations</p>
<b>Chapter 8: Public Access</b>			
	<p>Major updates to chapter, including:</p> <ul style="list-style-type: none"> <li>▪ References to 2015-2035 Comprehensive Plan</li> <li>▪ Incorporate new Parks, Recreation, Open Space and Arts Plan (PROSA) vision, inventory, and maps</li> <li>▪ Incorporate Downtown Waterfront Master Plan, By The Way (BTW) Plan, and Japanese Gulch Master Plan concepts</li> <li>▪ Update parks and waterfront priorities</li> </ul>		<p>Revised information to reference the 2015-2035 Comprehensive Plan; incorporated new PROSA vision, inventory, and maps; incorporated the Downtown Waterfront Master Plan, BTW Plan, and Japanese Gulch Master Plan concepts; and updated parks and waterfront priorities</p>
<b>Chapter 9: Public Input Process</b>			
	<ul style="list-style-type: none"> <li>▪ Summarize past update and include 2018/2019 public outreach process</li> <li>▪ Update demographics as needed</li> </ul>		<p>Summarized the outreach process and included the 2019 public outreach process</p>

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>Chapter 10: Capital Improvements</b>			
	Update with projects from Downtown Waterfront Master Plan, BTW Plan and PROSA Plan		Updated this chapter to include the Downtown Waterfront Master, BTW plan and PROSA Plan
<b>Appendix A: Definitions</b>			
	Review and update as needed to be consistent with Shoreline Development Regulations: MMC 17B.08		Reviewed and revised the definition section

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