

**Attachment D – Periodic Review Recommended Changes to City of Blaine SMP**

The following changes are recommended to comply with the SMP periodic review requirements of WAC 173-26-090

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES ( <u>underline = additions</u> ; <del>strikethrough = deletions</del> )	RATIONALE
01	3.4.A.1	Exempt Activities	<p>1. Any development of which the total cost or fair market value, whichever is higher, does not exceed <del>six thousand, four hundred sixteen dollars</del> <u>seven thousand, forty seven dollars</u>, or other threshold amount established by the Washington State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;</p>	<p>The Washington State Office of Financial Management amended the substantial development dollar threshold effective September 2, 2017. This change reflects the increase.</p>
02	3.4.A.15	Exempt Activities	<p>15. A public or private project that is designed to improve fish or wildlife habitat or fish passage as described by WAC 173-27-040(2)(p), <u>that conforms to the provisions of RCW 77.55.181</u>;</p>	<p>This change makes the fish habitat exemption consistent with rule changes made in 2007.</p>
03	<u>3.4.A.17</u>	Exempt Activities	<p>17. <u>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.</u></p>	<p>This change adds a new exemption consistent with legislative amendments made to RCW 90.58.030 and WAC 173-27-040 in 2017.</p>
04	<u>3.11</u>	<u>Developments Not Required to Obtain Shoreline Permits or Local Reviews</u>	<p><b><u>3.11 Developments Not Required to Obtain Shoreline Permits or Local Reviews</u></b></p> <p><u>Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:</u></p> <p>A. <u>Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.</u></p> <p>B. <u>Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.</u></p> <p>C. <u>WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.</u></p> <p>D. <u>Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</u></p> <p>E. <u>Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.</u></p>	<p>These changes represent new or amended rules adopted in 2017:</p> <p>Ecology adopted WAC 173-27-044 to consolidate three separate laws that create special exceptions to applicability of local Shoreline Mater Programs. The rule clarifies that requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement the SMA do not apply.</p> <p>We also made housekeeping revisions to WAC 173-27-045, a separate rule that describes developments that are not required to meet SMA requirements.</p>