

## 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.	2015 Shoreline Master Plan (SMP) includes reference to previous \$6,416 cost threshold; update needed	Proposed SMP amendment: 7.3.1, and 8.2 Definitions: update to the 2017 adjusted cost threshold for substantial development to \$7,047.
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	2015 SMP does not identify this language in the definition of “development”. Although this has not been an issue, it is recommended to be updated for clarification and consistency; update needed	Proposed SMP amendment: 8.2 Definitions: amend definition to include DOE example text regarding dismantling or removing structures.
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	2015 SMP does not include “Developments Not Required to Obtain Shoreline Permits or Local Reviews”; update needed	Proposed SMP amendment: 7.2 Permits and Exemptions: 7.2.2.: added reference to new exemption section 7.2.4. 7.2.3.: added reference to new exemption section 7.2.4. 7.2.4.: created new section to include the DOE example text regarding “Developments Not Required to Obtain Shoreline Permits or Local Reviews”.
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	2015 SMP describes the required filing procedures for permits to be filed with the Department of Ecology; update needed.	Proposed SMP amendment: 7.6 Ecology review: 7.6.3: added language regarding the use of return receipt mail. 7.8 Appeals: 7.8.2.3.: added DOE example language regarding the SHB appeal period filing dates.
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.	2015 SMP addresses forest practices and tree cutting (under definition of clearing) that is upland of the OHWM as a permitted use subject to policies and regulations of the Town and the SMP; the SMP also defines “clearing” to include the cutting of trees, which is permitted; although commercial forestry is not	Proposed SMP amendment: 5.2 Fill, Excavation, Ditching, Clear and Grade: 5.2.2.3.: added an exception note regarding forest practices that only include timber cutting. 7.2 Shoreline Permits and Exceptions: 7.2.4.5.: added the DOE example language.

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
		widely anticipated, clarifying forest practices that only include timber cutting/clearing would be beneficial.	
<b>f.</b>	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	2015 SMP does not reference lands under exclusive federal jurisdiction; there are no known lands with exclusive federal jurisdiction located in Town's planning area; not applicable; no amendment needed	No amendment needed
<b>g.</b>	Ecology clarified "default" provisions for <b>nonconforming uses and development</b> .	2015 SMP includes specific nonconforming use and development provisions; no amendment needed.	No amendments needed
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	2015 SMP does not include the specific details regarding the SMP amendment process; state rules will be utilized for periodic reviews; no amendment needed.	No amendments needed
<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.	2015 SMP does not include the specific details regarding the SMP amendment process; no amendment needed.	No amendments needed
<b>j.</b>	<b>Submittal</b> to Ecology of proposed SMP amendments.	2015 SMP does not include specific details regarding the Ecology SMP submittal process; state rules will govern submittals to DOE.	No amendments needed
<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> .	2015 SMP does not include the permit exception for retrofitting existing structures to comply with ADA; update needed.	Proposed SMP amendment: 7.2.3 Exemptions Listed: 7.2.3.15.: added DOE example exemption language regarding retrofitting for ADA compliance.
<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	2015 SMP does not include specific references to the 2014 wetlands rating system; inclusion of a reference to the 2014 wetlands rating system	Proposed SMP amendment: 4.3 Environmental Protection and Critical Areas 4.3.1.7. Add the following text: "7. The 2014

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		would provide greater clarity; update needed.	Washington State Wetland Rating System shall be consulted for categorizing wetlands.”
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	2015 SMP does not include the WSDOT; inclusion of a target date is not required; no amendment needed.	No amendments needed
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).	2015 SMP does not include a threshold for requiring a SDP for replacement docks; salt water docks do not apply; freshwater dock update needed.	Proposed SMP amendment: 7.2.3 Exemptions Listed. 7.2.3.16. added DOE example freshwater dock exemption language.
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	2015 SMP does not include any allowances for floating on-water residences; there are no floating on-water residences established before 7/1/2014; no amendment needed.	No amendments needed
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	2015 SMP does not outline the process for appealing the approval of the SMP or amendments; outlining the SMP appeal process is not required; the state process will be utilized in the event of future need; no amendment needed.	No amendments needed
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The 2015 SMP does not include a specific reference to the federal wetland delineation manual; update needed.	Proposed SMP amendment: 8.2 Definitions 8.2.90. added DOE example text.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	The 2015 SMP does not include geoduck aquaculture; geoduck aquaculture requires tidelands; there are no tidelands; no amendment	No amendments needed

Row	Summary of change	Review	Action
		needed.	
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	2015 SMP does not include allowance for floating on-water residences; there are no floating on-water residences established before 1/1/2011; no amendment needed.	No amendments needed
d.	The Legislature authorized a new <b>option to classify existing structures as conforming.</b>	2015 SMP does not include this option and is not required; nonconforming uses are specified; no amendment needed.	No amendments needed
<b>2010</b>			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	2015 SMP included these clarifications; no amendment needed.	No amendments needed
<b>2009</b>			
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.	2015 SMP does not include this option; the state process will be utilized in the event of future need; no amendment needed.	No amendments needed
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks.</b>	2015 SMP does not include reference to wetland mitigation banks; “It is not necessary to adopt the contents of the state rule into SMPs.”; Mitigation banking is allowed in the Town’s critical areas ordinance, which is adopted by reference; no amendment needed.	No amendments needed
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	2015 SMP does not include this option; the state process will be utilized in the event of future need; no amendment needed.	No amendments needed
<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.	2015 SMP definition for floodway utilizes FEMA mapping but could be updated to be more consistent with DOE suggested language;	Proposed SMP amendment: 8.2 Definitions 8.2.34. added DOE example option 1 text.

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
		update needed.	
<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.	2015 SMP includes a comprehensively updated list and map of streams and lakes within shoreline jurisdiction; no amendment needed.	No amendments needed
<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.	2015 SMP includes an exemption for fish habitat enhancement projects that conform to RCW 77.55; no amendment needed.	No amendments needed