

SHORELINE MASTER PROGRAM PERIODIC REVIEW

City of Lakewood, WA Periodic Review Checklist

Contact:

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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.

TASK 5.1 - A Periodic Review Checklist documenting consideration of statutory amendments, and internal consistency review

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	2014 SMP, Chapter 7: Definition of Substantial Development includes reference to cost threshold of \$6,416 and contains language noting that this figure must be adjusted every five years.	2014 SMP Ch. 7 definition of “Substantial Development” amended to incorporate \$7,047
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2014 SMP, Chapter 7, page 120: Definition of “development” references RCW 90.58.030(3a).	2014 SMP Ch. 7 definition of “development” amended to clarify that the term does not include dismantling or removing structures.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	2014 SMP, Chapter 6.C.1.a. incorporates WAC 173-27-040 by reference.	2014 SMP Ch. 6.C.1.a amended to refer to WAC 173-27-044 and to incorporate language from page 4 of P.R. Checklist Guidance
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	2014 SMP, Chapter 6.C.2.h. contains procedures for filing and includes language for “Date of Filing”.	No amendment needed.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	2014 SMP, Chapter 4 Table 1. prohibits forest practices in all shoreline zones.	No amendment needed
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	2014 SMP, Chapter 2.C. includes reference to RCW 90.58.	No amendment needed
g.	Ecology clarified “default” provisions for nonconforming uses and development.	2014 SMP, Chapter 7 includes nonconformance regulations.	2014 SMP Ch. 6(F) and Ch. 7 amended to include default definitions and provisions for nonconforming uses and development
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	2014 SMP, Chapter 6.H. includes review provisions.	2014 SMP Ch. 6 (H) amended to include ECY scope and process for periodic reviews
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2014 SMP, Chapter 6.H. contains amendment provisions that reference RCW 90.58 and WAC 173-26.	After review, no amendments made to 2014 SMP
j.	Submittal to Ecology of proposed SMP amendments.	2014 SMP, Chapter 6.I contains amendment provisions that reference RCW 90.58 and WAC 173-26.	No amendment needed
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.	2014 SMP, Chapter 6.C.1.a incorporates by reference WAC 173-27-040.	No amendment needed

Row	Summary of change	Review	Action
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	2014 SMP Chapter 3.B.3 incorporates the 2004 Critical Areas regulations.	2014 SMP amended to cite 2015 LMC Title 14 vs 14A and to updated ECY wetland critical area guidance
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2014 SMP, Chapter 6.C.2.e addresses this by reference to the SMA RCWs and WAC.	2014 SMP Ch. 6 .C.2.e amended to include ECY P.R. Checklist Guidance page 12 language
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	2014 SMP, Chapter 5.C.5.b includes this provision.	2014 SMP amended to include replacement and freshwater dock thresholds to \$22,500 and \$11,200 at Chapter 5.c.5.b
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	None within the City. 2014 SMP, Table I prohibits them.	No amendment needed
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	2014 SMP, Chapter 6.C.2.f. and 6.E both address permit appeals; however, the SMP does not, and is not required to, address appeals of an ECY SMP approval decision, governed by RCW 90.58.190.	No amendment needed
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	2014 SMP, Chapter 3.B.3.a)3)h. contains reference to federal manual. 2015 updates to City critical area ordinances incorporate necessary language at Title 14.162.020.	2014 SMP Ch. 3.B.3 amended to cite 2015 critical areas regulations that include correct language for approved federal wetland delineation manual, and subsection a.3.h amended to refer to LMC Title 14 vs 14A
b.	Ecology adopted rules for new commercial geoduck aquaculture .	City has no saltwater shoreline.	No amendment needed
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	None within the City. 2014 SMP, Table I prohibits them.	No amendment needed
d.	The Legislature authorized a new option to classify existing structures as conforming .	2014 SMP, Chapter 6.F.2. addresses nonconforming structures, uses and lots. Subsection 6.F.2.a does not incorporate option to classify existing structures as conforming.	No amendment needed
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	2014 SMP, Chapter 2.F.6.d.5 and 3.B.3.a.3(b) and (i) address the GMA-SMA intersect, including what critical areas provisions apply and the No Net Loss requirement.	No amendment needed

Row	Summary of change	Review	Action
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	2014 SMP, Chapter 3.B.6.c.15 & .16 contains provisions.	2014 SMP Ch. 3.B.6.c.15 amended per ECY recommendation to refer to WAC 173-27-215
b.	Ecology adopted a rule for certifying wetland mitigation banks .	2015 updates to City critical area ordinances, Title 14A.162.100 contain provisions.	2014 SMP amended to cite to LMC Title 14 vs 14A section re wetland mitigation banks
c.	The Legislature added moratoria authority and procedures to the SMA.	2014 SMP does not, and is not required to, address the city’s authority to establish temporary moratoria per WAC 173-26-085	No amendment needed
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	2014 SMP, Chapter 7 contains definition.	2014 SMP Ch. 7 definition of “floodway” amended to reflect current ECY guidance.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	2014 SMP lists jurisdictional waterbodies at Chapter 1.D and 2.C. No amendment required, but City could consider re-formatting to a bulleted or tabular list to better meet WAC intent and ECY preference.	2014 SMP amended to include Figure 1 at the end of Chapter 2 (and Figure 15 . . .)
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	2014 SMP, Chapter 6.C.1.a incorporates exemptions by reference.	No amendment needed

Other items Lakewood reviewed per: 2) Comprehensive Plan, Development Regulations, CAO, and Flood map items; and 3) Changes to Local Circumstance, New Information, Improved Data:

Row	Summary of change	Review	Action
2019			
a.	Changes to the Comprehensive Plan and Development Regulations, including the Critical Areas & Natural Resource Lands Ordinance (CAO), and Flood Map items that have occurred since the 2014 SMP became effective, creating points of inconsistency/duplication.	Staff has reviewed the 2014 SMP for consistency with recent changes to the City’s Comprehensive Plan and related Development Regulations. No significant conflicts or inconsistencies were identified, except that the new City sign code will apply both inside and outside of the SMP area, so separate SMP sign code regulations will no longer be necessary.	Amended Ch. 4.D.7 to reflect the City’s pending sign code changes (to be codified in Title 18A following Council action in spring/summer 2019)
b.	Implementation of the 2014 SMP has revealed challenges	Staff has reviewed the 2014 SMP and incorporated editorial changes	Amendments made:

Row	Summary of change	Review	Action
	<p>due to unclear wording, inaccurate or inapplicable provisions, and other opportunities for overall improvement.</p>	<p>to provide better program clarity and organization that will aid both applicants and regulators experience improved implementation.</p>	<ul style="list-style-type: none"> - throughout 2014 SMP to correct cites from LMC Title 14A to LMC title 14; - to add Figure 1 and Figure 2 into 2014 SMP at Ch. 2.C and referenced elsewhere in 2014 SMP - correcting references from “Surface Water Design Manual” to “surface water design manuals” - deleting Ch. 3.B.5.c.4 since the City does not have a fee in lieu program - amending title of Ch. 4.C.3 to more accurately reflect purpose of section - amending Ch. 4.D.6.c.6 to clarify that fences near creeks must be placed above the flood limit level for that specific area versus a set distance of 15 feet - relocating text from footnote 3 of Ch. 5 Table V into the table to make more visible to readers - amending Ch. 7 to add definition of “buffer” and amending definition of “setback” - Clarified status of Americal Lake as Shoreline of Statewide Significance in SMP language - Updated Figure 1 map to remove outdated public access areas
<p>c.</p>	<p>Changes in existing and potential local restoration projects and programs have occurred since the 2014 Shoreline Restoration Plan.</p>	<p>Lakewood has secured the services of AHBL to coordinate with the Chambers Clover Creek Watershed Council (CCWC) and interested stakeholder groups and citizens to consider changes needed to bring the Plan up to date with current projects’ status, new opportunities, and partners information.</p>	<p>AHBL provided the first draft 2019 Restoration Plan on March 1, 2019 and the final draft on March 12, 2019. It included updates to the References, the addition of a Glossary, new photos, and updates to completed and pending and ongoing restoration activities.</p> <p>Per CC direction, References section updated and Appendix A removed on May 6. Also updated Figure 1 map to remove outdated public access areas.</p>