

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct 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 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 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, 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).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, 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.

Prepared By	Jurisdiction	Date
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Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Missing exemption for freshwater docks; docks are not permitted	Clarified that docks are not permitted
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Section 5.9.2	Removed requirement
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Section 5.17; no saltwater habitat within our jurisdiction	No change to text
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Outdated dollar threshold	Amended Section 7.6.3
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Chapter 8 definitions	Updated Chapter 8 definition of Development and Section 1.3 applicability
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Missing exceptions	Added to Section 1.3 Applicability
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Sections 7.10 and 7.11	Updated text to read “date of filing” rather than “date of receipt”
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.	Section 5.10	Added clarifying language but also updated matrix to prohibit forestry in the City.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	There are no federal lands within the City/UGA. Removed from Section 1.3	N/A
g.	Ecology clarified “default” provisions for nonconforming uses and development.	Chapter 6	No change required

Row	Summary of change	Review	Action
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Section 7.16.2	Updated with suggested language
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	There is no conflict with a joint review, comment and noticing with DOE	No change required
j.	Submittal to Ecology of proposed SMP amendments.	Process for amending the SMP Section 7.16	Updated final approval 14 days after approval
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Section 1.3 applicability	Added exemption
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Appendix B	Updating all critical area regulations to match updates approved by the City in 2019.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Section 7.12	Added suggested language providing for a goal of 90 days to review and an option to start 21 days after filing.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	N/A – no floating on-water residences or floating homes have been established within the City/UGA; all floating homes are prohibited in SMP	N/A
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Section 7.16, amendments to the SMP does not include appeal requirements	N/A, defaults to RCW 90.58.190
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Appendix B	Updating all critical area regulations with 2019 City regulations.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	N/A	N/A

Row	Summary of change	Review	Action
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	N/A – no floating homes have been established prior to 2011; all floating homes are prohibited in SMP	N/A
d.	The Legislature authorizing a new option to classify existing structures as conforming.	Not adopted in SMP	N/A
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Section 7.16	Changed effective date from immediately to 14-days after DOE approval.
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.	Provided 5.17	N/A
b.	Ecology adopted a rule for certifying wetland mitigation banks.	N/A	N/A
c.	The Legislature added moratoria authority and procedures to the SMA.	Not required component of the SMP	N/A
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.	Chapter 8, definition of floodway	Updated with recommended definition for adopting FEMA maps.
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.	Addressed with prior adoption, see page 3-1	N/A
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.	Addressed Section 5.17	N/A