

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Completed for City of North Bend – 7/23/2018

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 cost threshold for substantial development to \$7,047.	2012 SMP includes reference to previous \$5,718 cost threshold. Amend definition of “Substantial Development” to reflect the cost threshold to new inflation adjusted amount of \$7,047.	Updated
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2012 SMP does not clarify that removing structures does not constitute “development.” Update per Ecology’s recommended language. OPTIONAL	Updated
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	2012 SMP does not have a section on exceptions. Exceptions apply to three specific situations consistent with State law: 1) Remedial actions, 2) Boatyard improvements to meet NPDES requirements, and 3) WSDOT facility maintainance and safety improvements. Exceptions are different than Exemptions, which are listed in NBMC 14.20.660 with reference to WAC 173-27-040. Exceptions apply whether included in local SMP or not. OPTIONAL Update per DOE recommended language and create a new section for Exceptions.	No change
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Update NBMC 14.20.710 to clarify permit filing procedures with DOE . “Date of filing” replaces “date of receipt”.	Updated
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA	OPTIONAL Update NBMC 14.20.410 to clarify that forest practices that only involves timber cutting are not SMA	No change

Row	Summary of change	Review	Action
	“developments” and do not require SDPs.	“developments” and do not require SDPs or shoreline exemptions.	
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Not applicable. No lands with exclusive federal jurisdiction in city limits.	Not applicable
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Not applicable. Adopted SMP includes tailored nonconforming use and nonconforming structure standards.	Not applicable
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	2012 SMP does not state the scope and process for conducting periodic reviews of SMPs required by RCW 90.58.080(4). Not necessary to include these provisions in local SMP.	No change
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2012 SMP does not address the details of the optional SMP amendment process; however does not have to. OPTIONAL Reference to SMP amendment process could be added to the SMP or land use code.	No change
j.	Submittal to Ecology of proposed SMP amendments.	2012 SMP does not include reference to WAC requirements for City submittal of proposed SMP amendments; however does not have to. OPTIONAL Reference to SMP amendment submittal guidelines could be added.	No change
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	MMC 14.20.660 references WAC 173-27-040 and Chapter 90.58 RCW. Add new exemption to list in 14.20.660.B	Updated
b.	Ecology updated wetlands critical areas guidance including	The city’s updated Critical Areas Ordinance will	Removed critical areas from SMP

Row	Summary of change	Review	Action
	implementation guidance for the 2014 wetlands rating system.	incorporate Ecology's new rating system and other clarifications. Need to update the CAO in the SMP; or update SMP to incorporate updated CAO standards by reference.	
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2012 SMP does not include this provision or reference to 90-day target; however does not have to. OPTIONAL Update per Ecology's recommended language.	No change
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).	Not applicable. 2012 SMP 14.20.660 cites the RCW for lists of exemptions. Replacement docks are not included in the list of exemptions because docks are prohibited by the city (SMP 14.20.360).	Not applicable
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not applicable. The city does not have any floating on-water residences.	Not applicable
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	No change needed. 2012 SMP does not include or reference SMP appeal process. City will maintain rely on state laws and rules.	No change
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	2012 SMP 14.20.530.F requires delineation using the approved federal wetland delineation manual. This requirement will be maintained with integration of updated CAO standards.	No change

Row	Summary of change	Review	Action
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable. There are no marine shorelines in the city.	Not applicable
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable. There are no floating homes in the city, and new floating homes are not allowed.	Not applicable
d.	The Legislature authorized a new option to classify existing structures as conforming .	2012 SMP 14.20.600 and 14.20.610 clarify the existing rights and allowances for nonconforming use and development but don't change the legal status to "conforming".	No change
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	2012 SMP 14.20.180 describes the effective date as 14 days from Ecology's final action. Integration of updated CAO standards will be provided with State guidance to "assure no net loss of shoreline ecological function".	No change
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.	2012 SMP 14.20.470 applies to restoration projects. OPTIONAL Add new language to this section with reference to WAC about Requests for Relief from Shoreline Regulations if needed.	Updated
b.	Ecology adopted a rule for certifying wetland mitigation banks .	2012 SMP 14.20.530.I allows use of wetland mitigation banks. As part of integration of updated CAO standards, revise to require banks be certified.	No change
c.	The Legislature added moratoria authority and procedures to the SMA.	OPTIONAL Current regulations do not address SMP Moratoria Authority. No need to add, as State SMA statute per WAC	No change

Row	Summary of change	Review	Action
		applies. [recommend no change]	
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.	No change needed. 2012 SMP defines "floodway" as the area that has been established in FEMA flood insurance rate maps preliminary FIRM dated November 6, 2012.	No change
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.	No change needed. 2012 SMP lists and maps the Middle Fork Snoqualmie River and South Fork Snoqualmie River as regulated shorelines, and the map depicts 'Minimum Shoreline Jurisdiction'.	No change
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.	No change needed. 2012 SMP 14.20.660 references WAC 173-27-040 and lists fish enhancement projects as exempt..	No change