

EXHIBIT B

SHORELINE MASTER PROGRAM PERIODIC REVIEW

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 |
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| 2017 | | | |
| a. | OFM adjusted the cost threshold for substantial development to \$7,047. | SMP shows \$5,718. Pg. 1-8 and 8-2 #1. | Preferably amend to reference office of financial management statute. Otherwise amend to \$7,047. |
| b. | Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures. | Current language doesn't include dismantling or removing structures. Pg. 1-8 | Amend language to clarify that dismantling or removing structures isn't considered development. |
| c. | Ecology adopted rules that clarify exceptions to local review under the SMA. | SMP does not include the listed exceptions. | Amend to include the listed exceptions in WAC 173-27-044. |
| d. | Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute. | Current SMP language uses “filing” and asks for concurrent filing for SDP with CUP and Variance. Doesn't include language stating Ecology will notify local government and applicant of date of filing via telephone or electronic means followed by written communication. Pg. 8-9. | Amend to clarify. |
| 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. | SMP does not include forestry uses under SDP exemptions. Extensive forestry uses are not present in Sumner. | No action. |
| f. | Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction | Lands under exclusive federal jurisdiction are not prevalent in Sumner and questions about SMP applicability do not arise. | No action. |
| g. | Ecology clarified “default” provisions for nonconforming uses and development. | SMP contains language regulating nonconforming development, Pg. 8-14. SMP does not contain definitions of “use, structure and lot”, pg. 9-21. | Amend definitions section to contain separate definitions of nonconforming use, structure and lot. |
| h. | Ecology adopted rule amendments to clarify the scope and process for conducting | SMP contains language stating the master program shall be periodically reviewed and | No action. |

| Row | Summary of change | Review | Action |
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| | periodic reviews. | the process shall be constant with WAC 173-26. Pg. 8-16. | |
| i. | Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period. | SMP does not contain a section that outlines the optional amendment process. | No action needed as this is not a mandatory amendment and Sumner is still eligible to use the optional process. |
| j. | Submittal to Ecology of proposed SMP amendments. | SMP doesn't contain a paper copy requirement. | No action. |
| 2016 | | | |
| a. | The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act . | SMP does not include an ADA exemption. Pg 8-1 to 8-4. | External or internal retrofitting of an existing structure for the exclusive purpose of ADA compliance will be added to exemption list, Pg. 8-4 #18. |
| b. | Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system. | SMP references "most recent version of Ecology wetland rating system for Western WA". Pg. 6-22 | <u>Amend to reference the updated wetland guidance throughout SMP.</u> |
| 2015 | | | |
| a. | The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects. | SMP doesn't include the 90 day target for WSDOT projects. | Amend to include a reference, determin section of SMP to amend? <u>In the transportation policy section.</u> |
| 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). | SMP's current dock threshold is \$10,000. Pg. 8-3 (173) | Amend to comply with \$20,000 threshold. —Docks are prohibited in Sumner, don't update threshold and remove docks on 8-3. |
| b. | The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014. | No existing FOWR. | No action. |
| 2012 | | | |
| a. | The Legislature amended the SMA to clarify SMP appeal procedures . | SMP does not contain a section on appeals of an SMP. | No action. |
| 2011 | | | |
| a. | Ecology adopted a rule requiring | SMP does not include a | Amend to include reference |

| Row | Summary of change | Review | Action |
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| | that wetlands be delineated in accordance with the approved federal wetland delineation manual . | reference to CAO or language stating delineation must be done in accordance with approved federal rating system. | to CAO. Pg. 6-24 #7(c)? <u>Amend to include requirements for wetland delineation be completed in compliance with approved federal wetland deleniation manual.</u> |
| b. | Ecology adopted rules for new commercial geoduck aquaculture . | No saltwater in Sumner. | No action. |
| c. | The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011. | No floating homes in Sumner. | No action. |
| d. | The Legislature authorized a new option to classify existing structures as conforming . | SMP isn't required to address. | No action. |
| 2010 | | | |
| a. | The Legislature adopted Growth Management Act – Shoreline Management Act clarifications . | SMP states that the effective date is 14 days from Ecologies final written approval. | No 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. | SMP does not contain any language outlining relief from impacts of restoration projects. | Adopt by reference WAC 173-27-215. Determine section to amend. <u>Create restoration section and add this relief reference.</u> |
| b. | Ecology adopted a rule for certifying wetland mitigation banks . | SMP permits wetland banks, Pg. 4-23. | No action. |
| c. | The Legislature added moratoria authority and procedures to the SMA. | Moratoria authority within shoreline is not desired. | No action |
| 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. | SMP defines floodway consitant with option #1. | No action. |
| b. | Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map | This is not a comprehensive update. | No action. <u>Waterbodies subject to the City of Sumner's SMP are located on p. 2-1.</u> |

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| | of streams and lakes that are in shoreline jurisdiction. | | |
| 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. | SMP does not address fish habitat enhancement projects. <u>Addressed in 8.1.A(16) pg. 8-4.</u> | Fish habitat enhancement projects will be added under exemptions, Pg. 8-4. <u>No Action.</u> |
| Housekeeping Items | | | |
| | Compliance with Sumner CAO | | Amend for compliance with Sumners CAO. |
| | Height in TCP could exceed allowed height in SMP. | | Amend height in Urban designation to allow up to max allowed in TCP. |
| | SMP is silent on hazard tree removal | | Create hazard tree removal application and criteria. Rely on policys found on pg. 6-2. |