

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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### 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 <b>cost threshold for building freshwater docks</b>	Draft SMP Update 7.2 (7) SDP Exemptions does not include the current threshold values.	Revise text as follows: “7. Residential dock... This exception applies if the fair market values of the freshwater dock does not exceed: <del>ten thousand dollars, (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the</del> <u>(A) Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or</u> <u>(B) Eleven thousand two hundred dollars (\$11,200) for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the</u> subsequent construction shall be considered a substantial development for the purpose of this SMP.”

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b.	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program sites</b> (applies to 9 jurisdictions)	Draft SMP Update 6.2.3 (5) Dredging & Dredge Disposal	None
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	Note: these saltwater species are not present in the City's shorelines;  Draft SMP Update 6.2.5 Restoration & Enhancement;  7.2(13) Exemptions from SDP Requirements – Fish Habitat Enhancement	None
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	Draft SMP Update 3. Definitions – Substantial development;  7.2 (1) Exemptions from SDP Requirements – Fair Market Value;	None
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	Draft SMP Update 3. Definitions - Development	Revise text as follows: “Development. ...at any stage of water level. (RCW 90.58.030). <u>Development does not include dismantling or removing structures if there is no other associated development or re-development.</u> ”
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	Note - SMA/SMP exceptions differ from SDP exemptions;  Draft SMP Update 3. Definitions – Exempt Developments;  7.1 Administrative Procedures – Shoreline Permit Requirements	Revise 3. as follows: “Exempt developments. ...those development activities set forth in WAC 173-27-040, <del>and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515</del> which are not required to obtain a substantial development permit...”

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		7.2 Exemptions from SDP Requirements;	<p>Revise 7.2 as follows:  <del>“9. Energy facilities. Any project with certification from the Governor pursuant to RCW 80.50...</del></p> <p><del>14. Hazardous substance remedial actions. The procedural requirements of chapter RCW 90.58 shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D. Ecology shall, in consultation with the City, assure that such projects comply with the substantive requirements of RCW 90.58, WAC 173-26 and this master program.”</del></p>
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	Draft SMP Update 7.3 Permit Procedures	Revise text as shown in attached ‘Permit Filing Rewrite’; Adjust numbering as needed in ToC and at 7.3.4 – 8 and 7.4
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.	Draft SMP Update 6.3.1 prohibits forest practices.	None
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	<p>Note: There are no such lands in the City;</p> <p>Draft SMP Update 1.1 (3) Introduction - Applicability</p>	None
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	Draft SMP Update 3. Definitions – Nonconforming use or development	<i>Optional</i> – revise 3. Definitions and 6.1.5 provisions to follow 2017 WAC amendment, per

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		6.1.5 Non-Conforming Use & Development	PR Checklist Guidance example language.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	Draft SMP Update does not address periodic review explicitly; RCW and WAC standards still apply even if not stated in SMP.	None
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	Draft SMP Update does not address SMP amendment process explicitly; RCW and WAC standards still apply even if not stated in SMP.	None
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	Draft SMP Update does not address SMP amendment submittal requirements explicitly; RCW and WAC standards still apply even if not stated in SMP.	None
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	Draft SMP Update 7.2 (15)	None
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Draft SMP Update 1.5 incorporates the CAO by reference (Appendix B);  21.10.070 (II.A.2) Resource lands and critical areas; standards for site-specific analysis; additional critical area report requirements; development standards – Wetlands – Wetlands rating system  Table 21.10.070-1 Buffers Required to Protect Water Quality Functions	Revise SMP 3. Definitions to add:  “ <b>Bog</b> . A low-nutrient, acidic wetland with organic soils and characteristic bog plants.”
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of	Draft SMP Update 7.3 Permit Procedures	<i>Optional</i> – Add text as follows:

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	Washington State Department of Transportation (WSDOT) projects.	RCW and WAC standards still apply even if not stated in SMP.	<p><u>“Special procedures for WSDOT projects.</u></p> <p><u>(i) Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.</u></p> <p><u>(ii) Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one (21) days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.”</u></p>
2014			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	<p>Note: There are no existing floating homes or floating on-water residences in the City;</p> <p>Draft SMP Update 3. Definitions –</p> <p>6.3.5 (3) Residential</p>	<p>Revised 3. Definitions to add text as follows:</p> <p><u>“Floating home. A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.”</u></p>
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures.</b>	<p>Draft SMP Update 7.3 Permit Procedures;</p> <p>RCW and WAC standards still apply even if not stated in SMP.</p>	None

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2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	Draft SMP Update, Appendix B. Chapter 21.10 'CAO' @ .020 Definitions; and .070 Resource lands and critical areas; standards for site-specific analysis; additional critical area report requirements; development standards;	
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	N/A	None
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Note: There are no existing floating homes or floating on-water residences in the City;  Draft SMP Update 3. Definitions –  6.3.5 (3) Residential	None.  See also #2014.a above.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	Draft SMP Update 6.1.5(2)	None
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	Draft SMP Update 1.1(5) – Introduction – Purpose – Effective Date;  4.2.9 Critical Areas Element;  6.1.2 Critical Areas;	None
2009			
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.	Draft SMP Update 6.2.5(5) Restoration & Enhancement	None
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Draft SMP Update, Appendix B 21.10 'CAO' @ .070 (II.6) Wetland & Wetland Buffer Mitigation	None

Row	Summary of change	Review	Action
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Draft SMP Update 7.3.7 Administrative Interpretation & Moratoria	None
2007			
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.	Draft SMP Update 3. Definitions - Floodway	None
b.	Ecology amended rules to clarify that <b>comprehensively updated SMPs shall include a list and map of streams and lakes</b> that are in shoreline jurisdiction.	Draft SMP Update 1.3 Jurisdiction;  1.4 Official Shorelines Map  Appendix A Official Shorelines Map	None
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.	Draft SMP Update 7.2 (13) Exemptions from Substantial Development Permit Requirements	None

### Additional Amendments

#	Issue	Review	Action
1	SMP – CAO consistency	Draft SMP Update 6.1.9 (3) Water Quality, Stormwater, and Nonpoint Pollution	Revise text as follows: "The use of herbicide, pesticide, fungicide, fertilizer and other such chemicals for lawn care, weed and pest control, and maintenance of ornamental gardens, lawns and landscaping, and other property management chemical applications are discouraged, shall be the minimum necessary, and all manufacturer's instructions must be followed. <u>WA Department of Ecology regulates the use of herbicides to control nuisance weeds and algae in lakes and streams.</u> Non-toxic methods are always preferred whenever feasible."