

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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# 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
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	2013 SMP includes reference to \$5,780 threshold.	Revise SMP 8.5.3(1) to \$7,042.
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	2013 SMP 9.1.1.22 does not include new definition of “development”	Revise SMP 9.1.1.22 to include text; “development does not include dismantling or removing of structures”.
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	There are no WSDOT roads in the SMP jurisdiction	No action
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.		No action
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involve timber cutting are not SMA “developments” and do not require SDPs.		No action
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>		No action
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	Reviewed SMP 8.5.9 for consistency with default provisions	No action
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>		No action
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.		No action
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.		No action
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to		No action

Row	Summary of change	Review	Action
	comply with the <b>Americans with Disabilities Act</b> .		
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	2013 SMP includes reference to DOC publication No. 96-94 that has been amended.	SMP 4.3.2.B.1 amended to include reference to a yet to be codified number adopting revisions to the Town's CAR. The revisions to the CAR will be at (a) Chapter 16.10.020 that refers to the 2014 DOE definition of wetlands; (b) Chapter 16.10.300 (A) that refers to the classification of wetlands based on the "approved federal wetland delineation manual and applicable regional supplements rating system"; (c) Chapter 16.10.300(B) that refers to the Washington State Wetland Rating System for Western Washington: 2014 Update(DOE publication #14-06-029 October 2014); and (d) Chapter 16.10.310(B) referring to wetland buffers and mitigation ratios to conform to DOE Guidance per publication No 16-06-001 appendix C.
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.		No action
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).	There are no freshwater docks on lakes and rivers in Woodway.	No action

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>b.</b>	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.		No action
<b>2012</b>			
<b>a.</b>	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .		No action
<b>2011</b>			
<b>a.</b>	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	2013 SMP makes reference to Washington State Wetlands Identificatoin and Delineation Manual.	See action listed above in 2016 (b). Reference in CAR 16.10.300 refers to approved federal wetland delieation manual and applicable regional supplements.
<b>b.</b>	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	2013 SMP at section 4.2.1.5 does not refer to new WAC re: aquacultural	WAC 173.26.241 (3)(b) added to Shoreline General Use Policies referring to geoduck aquaculture.
<b>c.</b>	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.		No action
<b>d.</b>	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .		No action
<b>2010</b>			
<b>a.</b>	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .		Amendments to 2013 SMP consistent with action stated in 2016 revisions (b) referring to new ordinance number adopting revisions to the Town’s CAR.
<b>2009</b>			
<b>a.</b>	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.		No action
<b>b.</b>	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .		No action

Row	Summary of change	Review	Action
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.		No action
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.		No action
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.		No action
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.		No action