

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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### Periodic Review Checklist (DRAFT)

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
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	Reviewed. LC SMP references WAC 173-27-040. It does not list each specific exemption.	No changes required
b.	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program sites</b> ( <i>applies to 9 jurisdictions</i> )	Reviewed. Does not apply to Lewis County	No changes required
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	Reviewed. Lewis County does not include full list of fish habitat enhancement project types	No changes required.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	Reviewed. LC SMP references WAC 173-27-040. It does not list each specific exemption.	Update definition: <b>“Substantial Development</b> – A development of which the total cost or fair market value exceeds \$7,047 or as otherwise amended, or any development, which materially interferes with the normal public use of the water or Shorelines of the State. The dollar threshold established in this definition must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period...”
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	Reviewed. Would like to add to definition as checklist guidance suggests	Added to definition: “Development” does not include dismantling or removing structures if there is no other associated development or re-development.”

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>c.</b>	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	Looked at section 7.02.02. Consider clarification	Updated section 7.02.02 to include exemptions from local law.
<b>d.</b>	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	Looked at section 7.05.04. Verified this was updated with 2017 update.	No changes required
<b>e.</b>	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.	Reviewed SMP 5.09. Would like to clarify further.	Added the following to SMP 5.09: “A forest practice that only involves timber cutting is not a development under the act and does not require a Shoreline Substantial Development Permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a Substantial Development Permit, as required by WAC 222-50-020.”
<b>f.</b>	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Looked at previous change in section 1.05D. This was addressed in 2017 update.	No changes required
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	Will need additional review and consideration.	No changes required. References state law for definitions.
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>	Reviewed section 7.09.02. It has process as described in RCW 90.58.080	No changes required
<b>i.</b>	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	7.09.02.D generally refers to WAC 173-26 and it’s amendment procedures.	No changes required
<b>j.</b>	<b>Submittal</b> to Ecology of proposed SMP amendments.	Reviewed section 7.09.02. References RCWs and WAC	No changes required
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act.</b>	Looked at 7.04.04 Shoreline Letters of Exemption. Exemptions in WAC adopted by reference as a whole	No changes required

Row	Summary of change	Review	Action
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Will need changes to wetland information with updated CAO in 2018	Integrated LCC 17.38 (CAO), which uses 2014 rating system.
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	SMP is silent on this topic, but is not required to add language.	No changes required
2014			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Floating residences not allowed in current regulations (per 5.07.02(B)) and 5.14.01(D))	No changes required
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP is silent on this topic, but is not required	No changes required
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	SMP 4.04.02(5)(g)	Integrated LCC 17.38 (CAO). In CAO, the code relies on a citation to RCW 36.70A.175 along with the rating system section.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	Reviewed 5.06. Geoduck standards not applicable	No changes required
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Floating residences not allowed in current regulations (per 5.07.02(B)) and 5.14.01(D))	No changes required
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	Addressed in section 7.07A	No changes required
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	Need to update references to CAO	Integrated LCC 17.38 (CAO)
2009			
a.	The Legislature created new “relief” procedures for instances	Addressed in section 6.06.02(I)	No changes required

Row	Summary of change	Review	Action
	in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.		
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Reviewed 4.04.02(A)(5)(i). Will need to consider with CAO update	Integrated LCC 17.38 (CAO)
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	SMP is silent on this topic. No requirement to add.	No changes required
<b>2007</b>			
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.	Updated flood maps with 2017 update. Addressed in section 1.06	No changes required.
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.	List included in Appendix 3.	No changes required
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.	LC SMP references WAC 173-27-040. It does not list each specific exemption.	No changes required

## Additional amendments

SMP section	Summary of change	Action
<b>7.02</b>	Considering update to Administrative code to clarify/cross reference sections to verify process is streamlined. Also, want to lay it out for ease of permit reviews and implementation.	No updates at this time. Will consider updating handouts for applicants to provide better information on the application requirements and process.
<b>Table 5-1</b>	Review use table for SDP vs CU options	Changed "Bridges for motorized and non-motorized uses from a Conditional Use to a Permitted Use.

SMP section	Summary of change	Action
5.14.02E	Clarify appurtenant structures are allowed.	Updated 5.14.02 E to: “The primary residential use on any lot shall be established prior to any accessory <u>or appurtenant</u> structures.”
8.02	Clarify with Ecy Administrative Interpretation Review dated 9/6/18 (attached)	Modified definition: <b>“Residential Development –</b> Development, which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single-family development, multifamily development and <u>development associated with</u> the creation of new residential lots through land division.”

### Review for internal consistency

SMP section	Summary of change	Action
Footnote	Update date/status of SMP (example draft, adopted)	Updated
Title Page	Update grant number, date/status of SMP	Updated
SMP 4.04 (pages 26-41), 4.07.02C, 7.07A, 7.07C	CAO update. Update LCC 17.35 & LCC 17.35A to LCC 17.38, update effective date, review standards thoroughly with updated CAO	Integrated LCC 17.38 (CAO)
Appendix 2	Update CAO in Appendix	Updated to: [Critical Areas regulations last amended by ordinance 1284 on June 25, 2018, contained in the County’s CAO (LCC Chapter 17.38) will be attached.]
Table 5-1 Notes #13	Update LCC 17.145.120 for home occupation standards to LCC 17.142.120. Make the statements consistent with changes in LCC.	“ <u>Home-based businesses</u> <del>occupations</del> , as established by LCC

SMP section	Summary of change	Action
		<del>17.142.110-17.145.120:</del> <b>Home-based businesses</b> Occupations are incidental and accessory to a residential use. Use the 'Residential' use category to determine whether they are allowed in a particular shoreline environment designation.
<b>7.09.02A</b>	Update date for periodic review	Updated date
<b>SMP 5.05</b>	Agriculture and VSP	Removed SMP 5.05.01 D. Updated Chart in SMP 5.05.02A (pg 57-58) Added definition of "Existing agriculture" Added definition of "high intensity agricultural uses" and "low intensity agricultural uses" as stated in previous code LCC 17.35 (previously adopted in SMP)