

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist: 2021 version

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). The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology rules that define the procedures for conducting these reviews include a requirement to use this checklist to ensure a successful review ([WAC 173-26-090](#)). By filling out this checklist, the local government is demonstrating compliance with the minimum scope of review requirements of WAC 173-26-090(2)(d)(ii). The checklist is organized into two parts.

Part One is used to identify how the SMP complies with current state laws, rules and guidance. This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments.

Part Two is used to document local review to ensure the SMP is consistent with changes to the local comprehensive plans or development regulations, and to consider changes in local circumstances, new information or improved data. As part of this periodic review the local government should include consideration of whether or not the changes warrant an SMP amendment.

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.

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). Ecology recommends reviewing all items on the checklist.

Use the **action column** as a final summary identifying your final action taken to address the identified change in state law, rule or guidance. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b). This will likely include one of the following:

- Amendment proposed (include code citation);
- No amendment needed; or
- Not applicable.

Example

Row	Summary of change	Review	Action
2017a	OFM adjusted the cost threshold for substantial development to \$7,047.	21A.25.290B refers to the statutory thresholds, as amended by OFM.	No amendments needed.

For more information

Coordinate with [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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Part One: State laws, rules and guidance review

Part One is used to demonstrate compliance with WAC 173-26-090(2)(d)(i)(A). This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments during periodic reviews.*

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
2021			
a.	The Legislature amended floating on-water residences provisions	There are no floating on-water residences in shoreline jurisdiction.	No amendment needed.
b.	The Legislature clarified the permit exemption for fish passage projects	Section 6.1.1 Statutory Exemptions #12 for habitat or fish passage improvement lacks a citation to RCW 90.58.147.	Removed exemption #12 and substitute with language provided in guidance (now Section 6.1.1.14).
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	There are no freshwater waterbodies within shoreline jurisdiction to site a dock.	No amendment needed.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	The outdated dollar threshold is listed at Section 6.1 (6.1.1, 6.1.2) and Section 8 (8.2.4, 8.7.12.c)	Amendments showing new dollar threshold Section 6.1, Section 6.1 (6.1.1, 6.1.2) and Section 8 (8.2.4, 8.7.12.c)
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	SMP Glossary/Definitions includes ‘Development’ but the definition lacks the clarifying clause about dismantling/removal.	Amendments to definition of “Development,” relocated to a new Section 8 (Section 8.2.3).
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	<ul style="list-style-type: none"> • Remedial actions listed as exemption under 6.1.1.13. • Boatyards/ Boating facilities exception not listed. • WSDOT exception not listed • Environmental Excellence projects not listed • Energy Facility Site Evaluation Exception not listed 	<ul style="list-style-type: none"> • Remedial actions removed from Section 6.1.1 • All exceptions added to Section 2.4.2.3, a-e

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Section 6.1.4 Submittal to Ecology lacks the specific details for permit filing or a citation to the WAC requirements.	Amendment to add reference to WAC 173-27-130 under renumbered 6.1.3, Transmittal to Ecology
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.	Current SMP does not include provisions for forest practices - no public/private commercial forestlands exist within city shoreline jurisdiction.	No amendment needed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Covered under Section 2.4.2, To Whom this SMP Applies.	No amendment needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Covered under Section 7, Nonconforming Uses, Structures, & Lots	No amendment needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Section 6.1.1.14 under Statutory Exemptions, Item covers this requirement.	No amendment needed.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Section 2.5.4 incorporates by reference the City’s 2015 CAO (LBCC Title 13; Ord 920) to apply within shoreline jurisdiction. The City updated the CAO in October 2020, Ordinance 985, but the SMP does not currently rely on this newest version. The 2020 CAO is consistent with Ecology’s most current technical guidance, including Sections: <ul style="list-style-type: none"> • 13-4-2 reliance on the 2014 Wetland Rating System; • 13-4-3 Small Wetland provisions, and requirement for minimization measures; • Table 13-4.1 Standard Wetland Buffer protection measures to “Maintain connections to other habitat areas; 	Amendment to Section 2.5.4 to incorporate the 2020 CAO and to remove #7 wetland definitions now addressed by LBCC 13-4-2 Designations. Amendment to Sections 4.6.1 E4-4 and 4.6.2 E5-4 to add a reference to Section 2.5.4 for internal consistency;

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
		<ul style="list-style-type: none"> • 13-4-5 Stormwater Management Facilities provisions; and • 13-4-7 Wetland Mitigation Requirements; Section 4.6.1 addresses wetland buffers in General Environment Strategy E4-4; and Section 4.6.2 establishes additional general Critical Areas Goals & Policies, including Goal E6 and Strategies E6-1 through -3 regarding functionally isolated wetlands.	
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not include this optional language. The portion of SR103 that passes through the City is not located in shoreline jurisdiction.	No amendment needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	SMP Glossary/Definitions for “Shoreline Hearings Board” notes that appeals of Ecology decisions on SMP approvals are filed with Growth Management Hearings Board;	Definition moved to Section 8.7.7 and SMP appeal procedure removed. New definition provided for GMHB under Section 8.3.4 with SMP appeal procedures added.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Section 2.5.4 incorporates by reference the City’s 2015 CAO (LBCC Title 13; Ord 920) to apply within shoreline jurisdiction. The City updated the CAO in October 2020, Ordinance 985, but the SMP does not currently rely on this newest version. The 2020 CAO is consistent with Ecology’s most current technical guidance, including Section 13-4-6(A.1) reliance on the approved federal wetland	Amendment to Section 2.5.4 to incorporate the 2020 CAO, and to delete #9 as duplicative.

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
		delineation manual & regional supplement.	
b.	Ecology adopted rules for new commercial geoduck aquaculture .	The SMP allowed use Table 5-1, and SMP 5.2 Aquatic SED both allow aquaculture as a permitted use, but neither specifically address geoduck aquaculture. The Glossary/Definition for “Aquaculture” accurately excludes the harvest of wild geoduck.	No amendment needed.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	There are no floating homes in the Aquatic SED.	No amendment needed.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	Neither SMP Glossary/Definitions, nor Section 7.0 Nonconforming Uses, Structures, and Lots establish this option to classify legally established residential structures as conforming.	No amendment needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Section 2.5.4 incorporates the CAO by reference; Section 4.6.2 Goal E5 says to protect critical areas ‘to the extent feasible’; this does not meet the requirement to protect critical areas to ensure ‘no net loss’; Section 6.3 Amendments or Updates to this SMP does not specify the 14-day effective date;	<ol style="list-style-type: none"> 1. Section 2.5.4 amended to correct the CAO incorporation citation; 2. Section 4.6.2 Goal E5 amended to achieve ‘no net loss’; 3. Section 6.3 amended to reflect effective date of SMP amendments.
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 incorporate these optional procedures.	No amendment needed.

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Section 2.5.4 incorporates the CAO by reference	Amend Section 4.6.6, to add Strategy E12-3 to reflect the 2020 CAO where LBCC 13-4-9 adequately addresses Wetland Mitigation Banking.
c.	The Legislature added moratoria authority and procedures to the SMA.	SMP does not address moratoria authority.	No amendment needed.
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 Glossary/Definitions does not include 'Floodway' and the term is not used in the SMP. There are no FEMA designated floodways in the city.	No amendment needed.
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.	Section 2.2 establishes the City's shoreline jurisdiction is along the marine shore of the Pacific Ocean, plus shorelands and associated wetlands. Appendix A includes Shoreline Jurisdiction Map. There are no streams or lakes within the city's Shoreline jurisdiction.	No amendment needed.

* See additional considerations for Ocean Management within Ecology's Ocean Management Checklist and associated guidance for using the Ocean Management Checklist. This checklist and guidance summarizes state law, rules and applicable updated information related to Ocean Resources Management Act (ORMA) and the Washington State Marine Spatial Plan (MSP). All jurisdictions with coastal waters must implement ORMA and the MSP applies to all jurisdictions that overlap with the MSP Study Area. Clallam County, Jefferson County, Grays Harbor County, Pacific County, Ilwaco, Long Beach, Raymond, South Bend, Cosmopolis, Ocean Shores, Hoquiam, Aberdeen, Westport need to plan for ocean uses consistent with ORMA and the MSP and should be using the Ocean Management Checklist in addition to this Periodic Review Checklist.

Part Two: Local review amendments

Part Two is used to demonstrate compliance with WAC 173-26-090(2)(d)(ii). This checklist identifies changes to the local comprehensive plans or development regulations, changes in local circumstances, new information or improved data that may warrant an SMP amendment during periodic reviews.

Changes to Comprehensive Plan and Development regulations

Question	Answer		Discussion
Have you had Comprehensive Plan amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	City updated its Comprehensive Plan in May 2020 and deemed consistent with GMA. The Land Use Element incorporates SMP by reference. Related sections include Goals 3.23 (p. 23) and 3.25 (p. 24). The plan does not trigger a need for amendment to the SMP.
	<input type="checkbox"/>	No	
Have your had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	There have been no amendments to Title 11, Unified Development Code, that warrant an amendment to the SMP.
	<input checked="" type="checkbox"/>	No	
Has your Critical Areas Ordinance (CAO) been updated since the SMP comprehensive update? If yes, are there changes that trigger need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	Title 13, Critical Areas Regulations, were last updated in October 2020 and meets all consistency requirements with GMA and SMA. The Periodic Review draft requires incorporating the new CAO by reference.
	<input type="checkbox"/>	No	
Are CAO provisions incorporated by reference (with ordinance # and date) into your SMP? If yes, is it the current CAO or a previous version?	<input checked="" type="checkbox"/>	Yes	Ordinance 985, adopted October 5, 2020. The Periodic Review draft incorporates this latest CAO by reference (Section 2.5.4).
	<input type="checkbox"/>	No	
Has any new shoreline area been annexed into your jurisdiction since your SMP was updated? If yes, were these areas pre-designated?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Other	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP for consistency with amendments to the Comprehensive Plan and Development regulations. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
8.0	Moved Glossary/Definitions from front of 2017 SMP to new Section 8	None	Improves organization of SMP/ all definitions consistent with RCW 90.58.030 and WAC 173-26-020
	Minor number changes throughout document to	None	Change does not change consistency with SMA or Rules

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	accommodate required amendments/provide numbering system to Section 8 for citation ease		
5.2.3	Removed list of prohibited, permitted uses in text format and rely instead on table format under Table 5-1	None	Remains consistent with WAC 173-26-241
5.3.3	Removed list of prohibited, permitted uses in text format and rely instead on table format under Table 5-1	None	Remains consistent with WAC 173-26-241
App. A & B	Combined Shoreline Jurisdiction and Shoreline SED Maps into a single map; new SED map now shows associated wetlands and designates them as Conservancy SED	None	Remains consistent with WAC 173-26-211
	Minor corrections in spelling		Change does not change consistency with SMA or Rules

Changes to local circumstance, new information, or improved data

Question	Answer	Discussion
Has your jurisdiction experienced any significant events, such as channel migration, major floods or landslides that impacted your shoreline and could trigger a need for an SMP amendment?	<input type="checkbox"/> Yes	
	<input checked="" type="checkbox"/> No	
Have FEMA floodplain or floodway maps been recently updated for your jurisdiction? If your SMP extends shoreline jurisdiction to the entire 100-year floodplain, has FEMA updated maps that trigger a need for an SMP amendment?	<input type="checkbox"/> Yes	
	<input checked="" type="checkbox"/> No	
Have you issued any formal SMP Administrative Interpretations that could lead to improvements in the SMP?	<input type="checkbox"/> Yes	
	<input checked="" type="checkbox"/> No	
Are there any Moratoria in place affecting development in the Shoreline?	<input type="checkbox"/> Yes	
	<input checked="" type="checkbox"/> No	
Have staff identified the need for clarification based on implementation or other changes? e.g., modifications to environment designations, mapping errors, inaccurate internal references.	<input checked="" type="checkbox"/> Yes	The SMP jurisdiction and SED maps in the 2017 SMP (Appendices A & B) will be combined into a single map that includes showing all associated wetlands as being in the Conservancy SED.
	<input type="checkbox"/> No	

Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP to address changes to local circumstances, new information, or improved data. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules