

## 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.	SMP R380(a) references WAC 173-27-040 and RCW 90.58. Definition for “Substantial development” cites a cost threshold of \$5,718.  <b>Relevant Section:</b> R380(a) and definition for “Substantial development”	<b>SMP Section VIII:</b> Updated definition for “Substantial Development.”  <b>CMC 15.92.010:</b> Updated definition for “Substantial Development” (page 1 of CMC 15.92).
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	The SMP does not clarify that removing structures does not constitute development.  <b>Relevant Section:</b> Definition for “Development”	<b>SMP Section VIII:</b> Updated definition for “Development.”  <b>CMC 15.92.010:</b> Updated definition for “Development” (page 1 of CMC 15.92).
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	The SMP refers to exemptions under WAC 173-27-040, but does not refer to exceptions under WAC 173-27-044 or -045.  <b>Relevant Sections:</b> R380(a) & definition for “Exempt or Exemption”	<b>SMP Section VII(I), R385:</b> Created new section to consolidate all exceptions to local shoreline review based on Ecology example code language.
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	SMP R390 – R392 establish the permit filing and review process. R392 includes a reference to WAC 173-27-130.  <b>Relevant Section:</b> R391	<b>SMP Section VII(O), R395, R396, R399:</b> Created new section to establish permit review process. Amended R395 and added R396 and R399 with Ecology example code language (pages 8-9 of Section VII).
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.	Forest Practices are prohibited in Carnation’s SMP.  <b>Relevant Section:</b> R137	<b>No change needed.</b>
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	The SMP does not address federal lands.	<b>Not applicable.</b> No lands under exclusive federal jurisdiction in Carnation.

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	The SMP has adopted the provisions of WAC 173-27-080 by reference.  <b>Relevant Section:</b> R367 & definition for “Nonconforming use or development”	<b>SMP Section VIII:</b> Removed previous definition for “Nonconforming use or development” and replaced with updated definitions for “Nonconforming use”, “Nonconforming development or nonconforming structure”, and “Nonconforming lot” using Ecology example code language.  <b>SMP Section VII(A), R368:</b> Modified language to include reference to nonconforming developments and lots to complement reference to nonconforming uses page 1 of Section VII) .
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	The SMP includes reference to RCW 90.58.080, but not to WAC 173-26-090.  <b>Relevant Section:</b> R372(c)	<b>SMP Section VII(D), R374</b> Added section for periodic review process with references to RCW 90.58.080 and WAC 173-26-090 (page 2 of Section VII).
<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.	The SMP establishes amendment procedure through reference to WAC 173-26-100.  <b>Relevant Section:</b> R372(d)(1)	<b>SMP Section VII(B), R374:</b> Added language referencing optional joint review process and WAC 173-26-104 (page 2 of Section VII).
<b>j.</b>	<b>Submittal</b> to Ecology of proposed SMP amendments.	The SMP does not include discussion of SMP amendment submittal to Ecology.	<b>SMP Section VII(B), R373(a)(9):</b> Added section for SMP amendment submittal process with reference to WAC 173-26-110 and -120 (page 2 of Section VII).
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act (ADA)</b> .	SMP R380(a) references WAC 173-27-040 and RCW 90.58. CMC 15.92.030 lists the specific exemptions.  <b>Relevant Section:</b> R380(a) and CMC 15.92.030.	<b>CMC 15.92.030(12):</b> Added exemption using Ecology example code language (page 3 of CMC 15.92).

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<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	SMP Appendix A references 2004 wetland rating system. CMC references 2014 wetland rating system.  <b>Relevant Section:</b> SMP Critical Areas Regulations (Appendix A) Section 1.300 & CMC 15.88.300	<b>SMP Appendix A 1.300(B) &amp; (C):</b> Updated language for consistency with 2015 CAO and current Ecology guidance. Updated all references to 2004 wetlands rating system with references to 2014 wetlands rating system (page 17 of Appendix A).
<b>2015</b>			
<b>a.</b>	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this.	<b>No change needed.</b>
<b>2014</b>			
<b>a.</b>	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$22,500 (from \$11,200).	The SMP references WAC 173-27-040 and RCW 90.58. CMC 15.92.030 references a dock threshold of \$2,500.  <b>Relevant Sections:</b> SMP R380(a), definition for “Exempt or exemption,” and CMC 15.92.030.	<b>CMC 15.92.030(6):</b> Updated language to reference updated cost thresholds for replacement docks (page 3 of CMC 15.92).
<b>b.</b>	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Floating on-water residences are prohibited in Carnation’s SMP.  <b>Relevant Sections:</b> R197 & R297	<b>No change needed.</b>
<b>2012</b>			
<b>a.</b>	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	Carnation’s SMP does not outline the SMP appeal process.	<b>No change needed.</b>
<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> .	The SMP refers to the federal delineation manual.  <b>Relevant Section:</b> SMP Critical Areas Regulations (Appendix A) Section 1.300.F.1.a	<b>No changed needed.</b>

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<b>b.</b>	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	Not applicable: Carnation has no saltwater shorelines.	<b>Not applicable.</b>
<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.	Floating on-water residences are prohibited in Carnation's SMP.  <b>Relevant Sections:</b> R197 & R297	<b>No change needed.</b>
<b>d.</b>	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	SMP R368 classifies existing residential structures as conforming.  <b>Relevant Section:</b> R368 & definition for "Nonconforming use or development"	<b>SMP Section VIII:</b> Added language to definition for "Nonconforming use or development" to clarify that existing residential structures are classified as conforming (page 9 of Section VIII).
<b>2010</b>			
<b>a.</b>	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	Shoreline critical areas are addressed in Appendix A.  <b>Relevant Section:</b> R372(d)(2)	<b>No change needed.</b>
<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.	The SMP does not address this.	<b>SMP Section VI(E), R367:</b> Adopted Ecology rule by reference, using Ecology example code language (page 19 of Section VI).
<b>b.</b>	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	The SMP Critical Area Regulations authorize the use of mitigation banks.  <b>Relevant Sections:</b> SMP Critical Area Regulations (Appendix A) Sections 1.200.G.3 & 1.200.I.1.	<b>No change needed.</b>
<b>c.</b>	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	The SMP does not address this.	<b>SMP Section VII(E), R376:</b> Created new section to establish moratoria authority using Ecology example code language (page 3 of Section VII).

Row	Summary of change	Review	Action
<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.	The SMP defines "Floodway" as the area that has been established in FEMA maps.  <b>Relevant Section:</b> Definition of "Floodway" in SMP and Appendix A (Section 1.800.6.3)	<b>No change needed.</b>
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.	SMP Sections K & R address Environment Designation and Shoreline Environment Designation Interpretation, respectively. Appendix C provides a map of Shoreline Environment Designations.  <b>Relevant Sections:</b> Section K, Section R, Appendix C	<b>No change needed.</b>
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish and wildlife habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.	SMP R380(a) references WAC 173-27-040 for exemptions. CMC 15.92.030 lists the specific exemptions.  <b>Relevant Section:</b> R380(a) and CMC 15.92.030	<b>CMC 15.92.030(13):</b> Added exemption using Ecology example code language (page 3 of CMC 15.92).
<b>Additional Revisions</b>			
a.	Ecology modified its wetland buffer guidance in 2014 and again in 2018.	The current SMP CARs specify wetland buffers based on wetland category and intensity of adjacent land use, as determined by the 2004 Ecology wetland rating system. The resulting buffer widths identified in the current SMP are not consistent with the most recent Ecology guidance, published in 2018, or with Chapter 15 CMC. See discussion and Table 4 below for additional details.  <b>SMP Appendix A:</b> • <i>SMP Appendix A 1.300(D)</i>	<b>SMP Appendix A 1.300(D):</b> Updated wetland buffers to be consistent with Ecology's guidance and recommendations identified in Section of the Carnation SMP Gap Analysis Report (page 18 of Appendix A).

Row	Summary of change	Review	Action
		<u>Chapter 15 CMC</u> CMC 15.88.300(D)	
b.	Consistency with updated Ecology guidance on buffer reduction provisions	The current SMP CARs include a general buffer reduction provision which applies to both wetland and stream buffers. Ecology's most recent guidance does not support buffer reduction measures for wetland buffers.  <u>SMP Appendix A:</u> • SMP Appendix A 1.200(B)(5) <u>Chapter 15 CMC</u> CMC 15.88.200(B)(5)	<b>SMP Appendix A 1.200(B)(5):</b> Removed section from Appendix A for consistency with Ecology's guidelines (page 10 of Appendix A).