

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	Action
2021			
a.	The Legislature amended floating on-water residences provisions	The SMP prohibits new floating residences and over-water residential structures in shoreline jurisdiction per 29.01.420 (7).	No action required.
b.	The Legislature clarified the permit exemption for fish passage projects	SMP 29.01.770 lists requirements for exemption of fish passage improvement projects.	Update SMP 29.01.770 with reference to most current state statutes.
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	SMP 29.01.770 lists old cost thresholds.	Updated text in 29.01.770 to include updated cost thresholds and recommended language.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMP 29.01.770 lists old cost threshold.	OFM revised the substantial development cost threshold to \$8,504 in July 2022 (WSR 22-11-036). Revised SMP 29.01.770 to use this more up to date value
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	SMP 29.01.080 (30) defines development.	Add to definition: “Development” does not include dismantling or removing structures if there is no other associated development or re-development.

Row	Summary of change	Review	Action
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not currently contain a section for exceptions to local review. SMP 29.01.770 has exemptions for remedial projects and EFSEC projects.	Added a new subsection to 29.01.020 to include exceptions to review. Deleted references to remedial projects and EFSEC projects from 29.01.770 because those are now included in the list of exceptions.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	SMP 29.01.790 uses “date of receipt.”	Replaced “date of receipt” with “date of filing” in 29.01.790.
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.	SMP 29.01.770(p) states that forest practices regulated under RCW 76.09 (other than conversions to non-forest land use) are not subject to the SMP.	No action required.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	The SMP does not have any clauses or provisions specific to exclusive federal jurisdiction.	Included in new section on exceptions (29.01.020).
g.	Ecology clarified “default” provisions for nonconforming uses and development.	SMP 29.01.610 and 29.01.620 have specific provisions for nonconforming uses and structures, but not lots specifically. SMP 29.01.080 does not include definitions for nonconforming development, use, or lot.	Add new section for nonconforming lots (29.01.630). Add definitions for nonconforming development, use, and lot in SMP 29.01.080.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act.	SMP 29.01.770 does not contain any exemptions for ADA retrofits.	Add an exemption for ADA retrofits to SMP 29.01.770.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	SMP 29.01.520 references the 2014 rating system.	2014 wetland ratings system already incorporated

Row	Summary of change	Review	Action
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	WSDOT projects are now included as an exception in SMP 29.01.020.	No further revisions 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 type="checkbox"/>	Yes	The City updated the Comprehensive Plan in 2018 but had previously incorporated the SMP goals and policies, and no additional changes were made to impact the SMP.
	<input checked="" type="checkbox"/>	No	
Have you had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	The City made minor updates to the City development regulations in 2018 but had previously incorporated the SMP development regulations, and no additional changes were made to impact 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 type="checkbox"/>	Yes	The SMP includes critical area protections within the regulations section and updates were made based on the current mitigation guidance provided by the Department of Ecology in April 2021 and the land use intensity table was updated with 2022 CAO guidance. The minimum buffer width wording was changed to say at its narrowest
	<input checked="" type="checkbox"/>	No	

Question	Answer		Discussion
			point shall not be less than 75% instead of 65% of the required buffer width.
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 type="checkbox"/>	Yes	See response above
	<input checked="" 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	No SMP areas were annexed out of the City.
	<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
N/A	N/A	N/A	N/A

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	No changes
	<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	Not applicable
	<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 type="checkbox"/>	Yes	
	<input checked="" 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
Various	Minor text revisions to correct grammar, formatting, and typographical errors.	Not applicable.	Not applicable.
29.01.080	Delete definitions in SMP that are not used in other parts of the document.	Not applicable.	Not applicable.