

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
William Folks, Planner	Ferry County	Completed on 25 May 2023

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	Jurisdiction has no FOWRs; Section 4.13 appropriately prohibits new floating residences and overwater residential structures	None required; <i>Optional</i> – Per 4.13, add term “Floating residences” to 7.17 Definitions to include both “floating homes” and “floating on-water residences” definitions from RCW 90.58.270
b.	The Legislature clarified the permit exemption for fish passage projects	Section 7.08(D)(16) addresses the SDP exemption for fish passage projects	None required; <i>Optional</i> – replace (D)(16)(a) – (d) with simpler language that references RCW 90.58.147 as the most current.
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Section 7.08(D)(8) addresses the SDP exemption for residential docks but includes the outdated dollar values	Section 7.08 para D 9 – revise to include current dollar values
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	OFM Adjusted again as of July 1, 2022 to \$8504 Section 7.08(D)(1) references the outdated dollar value	Changed threshold dollar value at Section 7.08 para D 1
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Section 7.17 Definition (A)(43) lacks this clarifying clause	Added clarification to definition at Section 7.17 para 44
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Section 7.08(D) includes two of these exceptions at (12) EFSEC projects, and (17) remedial actions. However these are SMA/SMP	Revise 1.02 Applicability to add the five listed exceptions to SMA/SMP review; Revise 7.08(D) to delete (12) and (17)

Row	Summary of change	Review	Action
		exceptions to applicability better addressed separately from SDP Exemptions	
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Section 7.11 Review Process addresses permit noticing requirements by a simple citation to WAC 173-27-110, but the separate permit filing requirements of WAC 173-27-130 are not addressed.	Added text at Section 7.12 para C. and revised section name for clarity
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.	Table 3.01(B) identifies where forest practices resource uses are allowed, conditional, or prohibited; Section 4.08 establishes Forest Practices regulations; and Section 7.17(60) defines “Forest Practices”	<i>Optional</i> – To further clarify forest practices activities that are considered development & may require and SDP, and to help connect the dots between the definition, use table and the regulations, revise to add example language at 4.08(A)
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Section 1.02 establishes the Applicability of the SMP to shoreline use and development activities, but does not specify the exception for lands under exclusive federal jurisdiction	Added text to end of Section 1.02 para C.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Section 6.00 addresses Existing Uses, Structures, and Lots including those that are legal nonconforming; Section 7.17 defines “nonconforming use or structure” for a singular combined term where the regulations address uses and structures separately.	Replace existing term with added definitions at Section 7.17 para 91, 92 & 93. Added text at Section 6.03 and added Section 6.04 for better specificity, and consistency with WAC 173-27-080.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Section 7.08(D) list of SDP Exemptions does not include this newer exemption	Added Section 7.08 para D 3
b.	Ecology updated wetlands critical areas guidance including	This information incorporated in previous comprehensive	Section 5.03

Row	Summary of change	Review	Action
	implementation guidance for the 2014 wetlands rating system.	update. Section 5.03 Wetlands (B)(1)(a) requires use of the 2014 Wetland Rating System;	
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Not added to the document	This coalition does not have the workload/permit load that would require this.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Not added to the document	This information has not been added to the document.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Added suggested text in previous updates Section 5.03(C)(1)(a) relies on the approved delineation manual and regional supplement, with reference to a 1987 publication	None
b.	Ecology adopted rules for new commercial geoduck aquaculture .	This coalition has no saltwater shoreline, SMP does not address this use	None
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	This coalition has no floating homes Section 4.13 appropriately prohibits new floating residences and overwater residential structures	None required <i>Optional</i> – see 2021.a above
d.	The Legislature authorizing a new option to classify existing structures as conforming .	Incorporated in previous update Existing Use Policy established at Section 4.4(S)(1); Regulations for Existing Uses, Structures and Lots established at Section 6.00	None
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Incorporated in previous update Section 1.07 specifies the SMP effective date is 14-days after Ecology’s final approval;	None

Row	Summary of change	Review	Action
		Section 5.01(D) requires protection of critical areas to result in no net loss of ecological functions; and Section 5.03 incorporates the Coalition CAO by reference, with exceptions as specified	
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 include this optional allowance; WAC 173-27-215 may still be used even if not included in the SMP	None required; <i>Optional</i> – Add the ‘option 1’ example language to Section 4.14 with clarification the allowance only applies to shorelines within the City of Republic [[and it’s UGA if there is one?]]
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Discussed somewhat in previous update Section 5.03(E)(2) addresses use of certified wetland banks	None required
c.	The Legislature added moratoria authority and procedures to the SMA.	SMP does not include this; WAC 173-27-085 may still be used even if not included in the SMP	None required
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.	Section 7.17 includes definition of ‘Floodway’ as defined by FEMA.	Definition not changed in last update. Revised FEMA definition
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 3 includes Tables 1 – 3 that list the jurisdictional streams and lakes; and Section 7.18 provides a collection of 37 map images that depict jurisdiction and Shoreline Environment Designations	No change required.

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	Will be the next document to be updated.
	<input checked="" 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	Will update with Comp Plan
	<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	Will update with Comp Plan
	<input checked="" 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	Section 5.00(A) incorporates by reference the County's 2016 CAO, Ordinance Number 2016-03
	<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	
	<input checked="" type="checkbox"/>	No	
Other	<input type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	

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	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

updated maps that trigger a need for an SMP amendment?			
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 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	

Additional Amendments: Coalition staff and the County Planning Commission SMP Subcommittee have identified numerous minor revisions intended to aid implementation.

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
All	Clarify phrasing, simplify numbering and internal citations, improve formatting, and correct typos	n/a	Proposed revisions do not change the substantive effect - the SMP remains consistent with the SMA and implementing rules
Page x	Add a list of acronyms used in the SMP to aid the reader	n/a	Same as above
1.02 Applicability	Not required, but clarifying language to aid implementation: As related to Section 4.06 Dredging and Dredge Material Placement, add Applicability language to clarify USACE actions don't require SMP review, and Ports don't need to obtain permits on behalf of USACE for dredging projects on por-	RCW 90.58.355	2021 Legislature adopted a clarification bill (SHB 1193) titled "affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement." The bill amends the SMA to affirm that actions taken on the Columbia River by the US Army Corps of Engineers (Corps) to maintain and improve federal navigation channels are exempt from local shoreline review. The bill clarifies a

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	owned property or that are part of a federal plan.		legal question that arose on the Columbia River over whether ports in their role as non-federal sponsors need to obtain shoreline permits on behalf of the Corps when the project takes place on port-owned property. If a navigation project is undertaken by the Corps and is addressed in a federal plan, a port does not need to apply for shoreline permits to authorize the federal action.
4.13 Residential	Revise phrasing of (l) for accurate use of ‘accessory’ and ‘appurtenance’	WAC 173-27-040(2)(g)	Appurtenances are specific to single-family, and different from accessories; see also 7.17 below
5.03 Wetlands	Table 5.03(D)(1)(a) – Delete residential driveways from Moderate and Low Intensity impacts; Add language for roads	WAC 173-26-221 (2)(c)(i)(A)	Current technical guidance does not include residential uses as Low Intensity (see Option 2 Table 2 Levels of Impacts in the 2022 Wetland Guidance for CAOs; ECY Pub #22-06-014; Appendix D. Buffer Approaches for Eastern Washington). A driveway is a residential appurtenance and should be considered part of that primary use (e.g. High or Moderate impact). Also for internal consistency since 7.17 Definition (79) “Low-intensity land use” does not include driveways. Add language to address roads per the above guidance.
5.03 Wetlands	Revise the habitat scoring ranges for Low and Moderate	WAC 173-26-221 (2)(c)(i)(A)	Consistency with current technical guidance (2018 Modified Habitat Score Ranges Appendix 8-D (eastern WA)).
5.03 Wetlands	Add provision for wetlands of high conservation value that are not included in CAO 5.05 buffer table	WAC 173-26-221 (2)(c)(i)(A)	Consistency with current technical guidance (2022 Wetland Guidance for CAOs).
7.17 Definitions	Add “Accessory”		SMP uses the term ‘accessory’ throughout the document but does

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
			not broadly define the term at Section 7.17. However 7.17(106) “Residential development” defines ‘accessory residential uses’ (with a few exceptions that need correction); The term ‘accessory’ is an important companion to the term ‘appurtenance’ and both should be clearly defined.
7.17 Definitions	Add definitions for “Appurtenance” and “Single-family residence” Delete similar language at 6.03 Nonconforming Structures (D)	WAC 173-27-040(2)(g)	SMP uses the term ‘appurtenance’ and ‘appurtenance structures’ throughout the document (e.g. 4.4 Existing Use Policy (S), 2.07 Shoreline Residential SED Purpose (A)(1), 4.11 Piers and Docks (K)(2), 4.13 Residential (I), 6.03 Nonconforming (A)(4), 7.08 Exemptions (D)(7), etc.) but the term is not defined broadly at Section 7.17. Further, Section 6.03 Nonconforming Structures (A)(4) references ‘normal appurtenances’ and (D) defines the similar term ‘appurtenant structures’ with language very similar to the established SMA definition. WAC 173-27-040(2)(g) defines both “single-family residence” and “appurtenance” as specific to single-family residences. Revisions for better consistency with WAC and internal consistency.
7.17 Definitions	Revise “Associated wetlands” to include lakes	WAC 173-22-030(1)	There are both jurisdictional lakes and streams that may have associated wetlands.
7.17 Definitions	Revise “Mitigation sequence” to delete clause about Shoreline Variance criteria	WAC 173-26-201(2)(e)(i)	The Mitigation Sequence is established by WAC and should not be modified; the added provision about a Shoreline Variance is better relocated as a permit review criterion