

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

## 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.*

Completed: May 1, 2018.

 Dave Risvold, Shoreline Supervisor

Row	Summary of change	Review	Action
<b>2017</b>			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	18S.60.020 references \$6416 dollar amount as well as inflation adjustment every five years <sup>333</sup>	<p>County intends to revise 18S.60.020 to reflect current cost threshold:</p> <p><i>Development of which the total cost or fair market value, whichever is higher, does not exceed <del>\$6,416.00</del> \$7,047 if such development does not materially interfere with the normal public use of the water or Shorelines of the State.</i></p> <p>18S.60.020 also informs that the dollar threshold is adjusted for inflation every five years.</p>
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Appendix A (18S.70) definition of "Development" does not include the amended language.	<p>County intends to revise definition of “Development” provided in Appendix A:</p> <p><i>“.. means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.</i></p> <p><i>“Development” does not include dismantling or removing structures if there is no other associated development or re-development (Note: This definition intentionally differs from the definition for “Development” found in Chapter 18.25 PCC.).</i></p>
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	Ecology has recommended this change to 18S.60.020 C, as a new subsection, to clarify “Persons, Projects, and Activities Not Required to Obtain Certain Permits”.	County intends to accept recommended change.

Row	Summary of change	Review	Action
<b>d.</b>	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Filing procedures are not fully defined in PCC 18S but, are defined in Chapter 18.100, which was revised as part of the update process to more specifically reflect shoreline related timelines	No change to 18S proposed.
<b>e.</b>	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	The Forest Practices rules (WAC 222 50 020(2)) identify this distinction and Ecology guidance does not require that local SMPs include this clarification.	No changes to 18S proposed
<b>f.</b>	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Ecology guidance does not require that local SMPs include this clarification. . The relationship of lands under exclusive federal jurisdiction and the Shoreline Management Act are defined in WAC 173-22-070.	No changes to 18S proposed
<b>g.</b>	Ecology clarified “default” provisions for nonconforming uses and development.	2013-54s4 has specific language intended to clarify conforming/nonconforming uses and developments.	No changes to 18S proposed
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	“h”, “i”, and “j” pertain to the manner in which SMPs are amended. Pierce County chose not to include in Title 18S a discussion of this process, which is defined in WAC 173-26	
<b>i.</b>	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.		
<b>j.</b>	Submittal to Ecology of proposed SMP amendments.		
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.	This exists as an Ecology recommended change to 18S.60.020C: 17. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the	The County intends to accept this recommended change

Row	Summary of change	Review	Action
		structure by individuals with disabilities.	
<b>b.</b>	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Ecology has recommended the reference to the Washington State rating system be added to Chapter 18S.30 – Ecological Protection 18S.30.030 D.	The County intends to accept this recommended change
<b>2015</b>			
<b>a.</b>	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Ecology guidance does not require specific reference to this 90 day target, in local SMPs	No changes to 18S proposed
<b>2014</b>			
<b>a.</b>	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	18S.60.020 correctly references these cost thresholds	
<b>b.</b>	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	<p>Proposed SMP language is consistent with repair/maintenance aspects of this policy.</p> <p>18S.10.055 Recognition of Legally Established Development, allows that:</p> <p><i>Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures.</i></p> <p>Ecology has recommended additions to 18S definitions</p>	

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		<p>section regarding “floating homes”, in Appendix A: "Floating home" means a single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.</p> <p>"Floating on-water residence" means any floating structure other than a floating home: (a) That is designed or used primarily as a residence on the water and has detachable utilities; and (b) Whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.</p>	<p>The County intends to accept these additions to the definition section</p>
<b>2012</b>			
<b>a.</b>	<p>The Legislature amended the SMA to clarify SMP appeal procedures.</p>	<p>This amendment pertains to appeals of a local SMP, not of an individual permit</p>	<p>No changes to 18S proposed</p>
<b>2011</b>			
<b>a.</b>	<p>Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual</p>	<p>Title 18S is consistent with this rule as it adopts by reference PCC 18E.30 (wetland regulations) which require use of “The most recent edition of the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology.”</p>	<p>No changes to 18S proposed.</p>
<b>b.</b>	<p>Ecology adopted rules for new commercial geoduck aquaculture.</p>		<p>Extensive stakeholder input occurred as part of the creation of the aquaculture section of 18S (18S.40.040). No changes to 18S proposed</p>
<b>c.</b>	<p>The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.</p>	<p>Ecology has recommended adding definition of “floating home” to Appendix A</p>	<p>County intends to accept recommendation.</p>

Row	Summary of change	Review	Action
<b>d.</b>	The Legislature authorized a new option to classify existing structures as conforming.	18S.10.055 reflects this option in regards to residential structures:  Residential structures and appurtenant structures that were legally established and are used for a conforming use but that do not meet standards for setbacks, buffers, or yard; area; bulk; height; or density may be considered a conforming structure	
<b>2010</b>			
<b>a.</b>	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	This legislation clarifies SMA applicability during the period prior to a local jurisdictions comprehensive update. The local SMP does not have to reflect this legislation.	No changes to 18S proposed.
<b>2009</b>			
<b>a.</b>	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.	18S.40.110C reflects allowances of RCW 90.58.580. Ecology has recommended further revisions to further clarify: Shoreline restoration projects that <u>result in a landward shift in the ordinary high water mark, may be reviewed pursuant to meet</u> RCW 90.58.580 <u>may be granted to determine if relief from Master Program development standards and use regulations are warranted within urban growth areas</u>	County intends to accept recommendation.
<b>b.</b>	Ecology adopted a rule for certifying wetland mitigation banks.	SMP is consistent with this rule as it adopts by reference PCC 18E.30, acknowledging mitigation bank allowance	
<b>c.</b>	The Legislature added moratoria authority and procedures to the SMA.	Local SMPs need not include reference to this legislation	No changes to 18S proposed
<b>2007</b>			
<b>a.</b>	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.	“Floodway” is defined as per FEMA mapping	

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<b>b.</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.	SMP is consistent with rules. 18S.70 Appendices E and F provide written descriptions and maps of jurisdictional waters.	
<b>c.</b>	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.	Fish habitat restoration is referenced in 18S.40.110 Restoration and Enhancement	