

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 of 2017 SMP	Action
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 6.4.3.P, Shoreline Exemption for habitat or fish passage improvement, lacks a citation to RCW 90.58.147.	Section 6.4.3.P, deleted existing language and substituted with language provided in guidance
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Section 6.4.3(H) includes the residential dock exemption with outdated cost threshold Will need to correct	Replace dock exemptions using guidance language.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	The outdated dollar threshold is listed at Section 6.4.3.A and Chapter 8 Definition for Substantial Development	Amendments showing new dollar threshold Section 6.4.3.A Shoreline Exemptions, and definition for Substantial Development in Section 8.7.16 (as renumbered)
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	SMP Definitions, Chapter 8 (not numbered) includes ‘Development’ but the definition lacks the clarifying clause about dismantling/ removal.	Amendments to definition of “Development,” Section 8.2.2 (as renumbered).
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	<ul style="list-style-type: none"> Remedial actions listed as exemption under 6.4.3.Q Boatyards/ Boating facilities exception listed as exemption under 6.4.3.R. WSDOT exception listed as exemption under 6.4.3.S Environmental Excellence projects not listed 	<ul style="list-style-type: none"> Exemptions for Remedial actions, Boatyard improvements, and WSDOT projects removed from Section 6.4.3.Q, R and S; all five WAC 173-27-044 and -045 exceptions moved/ added to Section 1.6.6, .A - .E

Row	Summary of change	Review of 2017 SMP	Action
		<ul style="list-style-type: none"> Energy Facility Site Evaluation Exception listed as exemption under 6.4.3.L 	
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Section 6.11.3 requires filing Notice of Decision with Ecollyot but is outdated; minor changes to mirror guidance language to ensure consistency with the statute.	Amended Section 6.12.3 (as renumbered) by replacing the existing text with the guidance language.
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.	Section 4.6.3, Forest Practices Regulations, does not include the language that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Amended Section 4.6.3 by adding the guidance language under Section 4.6.3.B
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	There are no areas of exclusive federal jurisdiction in the City’s shoreline jurisdiction.	No amendment needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Section 3.4.3 Existing Development provisions address lawfully established uses, structures, and parcels, but lack the detail/specificity of the default standards at WAC 173-27-080; Chapter 8 Definitions do not include any related terms.	Amend Section 3.4.3 by striking original language and replacing it with guidance language; Amend Section 8.5.10 – 12 (as renumbered) to add terms Nonconforming lot; Nonconforming structure, and Nonconforming use.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Section 6.4.3.T under Statutory Exemptions	No amendment needed.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Section 1.5 incorporates by reference the city’s CAO adopted October 2016 (SBMC Chapter 14.15 – 14.15.030 Wetlands). The 2016 CAO is mostly consistent with Ecology’s most current technical guidance, except Section 14.15.030.D, Table 1, Wetland Buffer Dimension needs to be updated	Amended Section 1.5.1 to include additional exceptions for the updated wetlands & CAO updates document, and a replacement buffer table consistent with the most current technical guidance.

Row	Summary of change	Review of 2017 SMP	Action
		for consistency with July 2018 modified habitat score ranges.	
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. US 101 is within shoreline jurisdiction.	Amended Section 6.5 to add guidance language under Section 6.5.5.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The SMP does not address SMP appeal procedures.	No amendment needed.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Section 1.5 incorporates by reference the city's CAO adopted October 2016 (SBMC Chapter 14.15 – 14.15.030 Wetlands). Section 14.15.030.A.2.a relies on federal wetland delineation manual.	No amendment needed.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Environmental conditions in the Willapa River will not support geoduck aquaculture. However, Section 2.6, Table 1 allows aquaculture as permitted use in all SEDs. Section 4.3 establishes Aquaculture provisions. Chapter 8 Definition of "Aquaculture," (renumbered as 8.1.10) 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.	Section 4.10.3(D) prohibits new over-water residences, including floating homes.	No amendment needed.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	Section 3.4.3(A) establishes this allowance to classify legally established residential structures as conforming, however the regulatory language lacks the detail & specificity provided by RCW 90.58.620.	Include a more detailed provision to keep/more clearly establish this allowance as part of replacing Section 3.4.3 with the 2017 guidance language, as noted above.

Row	Summary of change	Review of 2017 SMP	Action
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Section 1.5 incorporates by reference the city’s CAO adopted October 2016 (SBMC Chapter 14.15), including exceptions needed for application in shorelines. Section 3.3 requires protection of Ecological Functions and Critical Areas (see Section 3.3.3.A specifically for no net loss of ecological functions). Section 7.2.9 correctly lists “effective date.”	Section 1.5.1 will need to add a specific exception provision to reflect the 2022 habitat score ranges into Table 1. No other amendment needed.
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 but City can still use the WAC 173-27-215 process.	No amendment needed.
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Section 1.5 incorporates by reference the city’s CAO adopted October 2016 (SBMC Chapter 14.15). SBMC 14.15.030, Wetlands, does not provide for wetland mitigation banks within the city. However, add guidance language to Section 3.3.3 regulations for Protection of Ecological Functions and Critical Areas.	As a placeholder until a future time when a certified mitigation bank is available, add model language following provision on mitigation under Section 3.3.3.E to allow credits from a certified mitigation bank for unavoidable impacts.
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.	Chapter 8 Definitions defines the term ‘Floodway,’ however, there are no FEMA designated floodways in the city.	Floodway definition renumbered as Section 8.2.13. No amendment needed.

Commented [MM(1): This Checklist item addresses several things:

Row	Summary of change	Review of 2017 SMP	Action
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.	Listed waterbodies under Section 2.1.2; map included in Appendix A.	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	The Comprehensive Plan was last amended in 2021. SMP incorporated by reference under 3.9.1.
	<input 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	
	<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	
	<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	It is the current version. Note the above required amendment.
	<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 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

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	Staff review finds that improved formatting/renumbering will aid document navigation and implementation.
	<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
Preface	The section “History of the Shoreline Management Act in the City of South Bend” amended to include information about the Periodic Review process and a summary of actions take by the city to complete the review.	Not applicable	Not applicable
8.0	Definitions now numbered for ease of citation.	Not applicable	Not applicable



SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
Throughout the SMP	Minor shifting of numbers to accommodate inserted amendments	Not applicable	Not applicable