

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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### Periodic Review Checklist

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). 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 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 2019 that may trigger the need for local SMP amendments during periodic reviews.

#### 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.

At the **beginning of the periodic review**, 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).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

**At the end of your review process**, 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.*

Prepared By	Jurisdiction	Date
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Row	Summary of change	Review	Action
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	Provision 3.5(l)(8) and the definition of “Substantial Development” (Section 9.0 Definitions, S(160)(G)(2)) include outdated cost thresholds for private freshwater docks. While marinas and boating facilities are prohibited under Table 7.0, public piers under a Recreational use and Shared Use Path under Transportation may be permitted with a Shoreline Conditional Use Permit. This provision only applies to private residential piers, however.	<b>Recommended:</b> Remove provision 3.5(l)(8) and Section 9.0 Definitions, S(160)(G)(2) for private residential piers, as they are prohibited in the SMP.
b.	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program sites</b> ( <i>applies to 9 jurisdictions</i> )	There are no DMMP sites within Town limits. Therefore, this legislative amendment does not apply.	No action necessary.
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	There are no saltwater shorelines in the Town’s jurisdictional limits. Therefore, this legislative amendment does not apply.	No action necessary.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	Provision 3.5(l)(1) and the definition of “Substantial Development” (Section 9.0 Definitions, S(160)) include outdated cost thresholds for substantial development.	<b>Mandatory:</b> Update cost thresholds in SMP.
b.	Ecology permit rules clarified the <b>definition of “development”</b>	Definition of “Development” (Section 9.0 Definitions, D(37))	<b>Recommended:</b> Modify the definition of “Development”

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	does not include dismantling or removing structures.	does not clarify that removing structures does not constitute “development.”	to be consistent with Ecology’s example definition by adding the phrase: <i>“Development” does not include dismantling or removing structures if there is no other associated development or re-development.</i>
<b>c.</b>	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	The SMP does not address these exceptions, nor is it required to.	No action necessary.
<b>d.</b>	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	The SMP does not include guidance on permit filing procedures. The SMA amendment applied on its effective date in 2011, regardless if included in SMP.	<b>Recommended:</b> Add clarifying language for permit filing procedures incorporating the 2011 statute, preferably within Section 3.1 General Shoreline Permits. Ecology has provided example language.
<b>e.</b>	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.	Forestry uses are prohibited in all SEDs by the current SMP (Section 7.6).	No action necessary.
<b>f.</b>	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	No federal lands exist within Town shoreline jurisdiction.	No action necessary.
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	The SMP contains its own provisions regarding nonconforming uses, structures and lots under Section 4.0 Nonconforming Development, so the default provisions will not apply. Further, definitions of “Nonconforming use,” “Nonconforming building or structure,” and “Nonconforming lot” exist within Section 9.0 Definitions.	No action necessary.
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>	The SMP does not include procedures for periodic reviews, nor is it required to.	No action necessary.

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i.	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 does not include procedures for the optional amendment process, nor is it required to.	No action necessary.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	The SMP does not include procedures for submittal to Ecology of proposed SMP amendments, nor is it required to.	No action necessary.
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	Section 3.5 (Shoreline Exemptions) does not include this exemption, though a direct reference to WAC 173-27-040 is listed.	<b>Mandatory:</b> Add this exemption to the list in Section 3.5.
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Section 6.2(B) adopts by reference the critical areas regulations in Ordinance No. 463 (codified in BMC Title 18D).	<b>Mandatory:</b> Update the SMP to reflect the updated wetlands critical areas guidance. To do this, provide a list of exceptions where CAO wetland critical areas do not apply, specifically under SMP 6.2.B.3.
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	Not applicable. No WSDOT facilities are known to be located within the Town's shoreline jurisdiction.	No action necessary.
<b>2014</b>			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Not applicable. The Town does not have any floating on-water residences. Residential development over water is prohibited per Regulation 7.9(B)(2).	No action necessary.
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP does not contain specific steps or language for appealing amendments, nor is it required to.	No action necessary.

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2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The SMP requires the use of the current approved federal wetland delineation manual, as stated in Regulation 6.2(B)(3)(h).	No action necessary.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	There are no saltwater shorelines within Town limits. Therefore, this legislative amendment does not apply.	No action necessary.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Not applicable. The Town does not have any floating homes. Residential development over water is prohibited per Regulation 7.9(B)(2).	No action necessary.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	The SMP does not classify existing structures as conforming, nor is it required to. Pursuant to Provision 4.1(A), maintenance and repair of existing structures are allowed, as are alterations to existing structures that do not increase nonconformity.	No action necessary.
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	The SMP indicates that the SMP becomes effective immediately upon final approval by Ecology.	<b>Mandatory:</b> Update the SMP to indicate that the SMP becomes effective 14 days from Ecology’s written notice of final action.
2009			
a.	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 include or reference the relief criteria and procedures in WAC 173-27-215. However, the process may be used even if the provision is not in the SMP.	<b>Recommended:</b> To highlight the potential for relief, reference the relief criteria and procedures in WAC 173-27-215 in Section 8.3 Restoration and Enhancement.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Section 6.2(B) adopts by reference the critical areas regulations in Ordinance No. 463 (codified in BMC Title 18D). BMC 18D.30.050(D)	No action necessary.

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		authorizes wetland mitigation banking when consistent with state laws.	
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	SMP does not include or reference moratoria authority, nor is it required to.	No action necessary.
2007			
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.	Definition of “Floodway” (Section 9.0 Definitions, F(57)) currently has two ways for identifying floodways. Section 6.2(B) adopts by reference the critical areas regulations in Ordinance No. 463 (codified in BMC Title 18D). Floodway is also defined in BMC 18D.10.060 Definitions.	<b>Recommended:</b> For ease of use, consider updating the definition of “floodway” within the SMP to rely on the use of flood insurance rate maps. Also update the the definition of “floodway” in BMC 18D.10.060 Definitions to improve consistency with the definition in the SMP.
b.	Ecology amended rules to clarify that <b>comprehensively updated SMPs shall include a list and map of streams and lakes</b> that are in shoreline jurisdiction.	Section 2.3 identifies the Skookumchuck River as the only inventoried shoreline within the Town. The Town’s shoreline jurisdiction is mapped in Figures 1 and 2.	No action necessary.
c.	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.	This SMP does not include this exemption, though a reference exists to WAC 173-27-040.	<b>Recommended:</b> To remain consistent with listing exemptions in 3.5(l), include a simple reference to this exemption using Ecology’s example language: <i>Consistent with WAC 173-27-040, a public or private project designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.</i>