

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.

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Included.	See 3.4.A.1
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Included.	See 1.5.A.22
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	Included.	See 3.11
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Included.	See BMC 17.81.070.D
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.	Included.	See 3.6
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	The Department advises regulatory language is not necessary to capture this federal statute. Ecology’s guidance supports this approach stating “It is not necessary to amend local SMPs to reflect this clarification.” See 2017(f) Pg 6	Not addressed in draft SMP.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	See draft SMP 3.9. Compare to Ecology’s Guidance 2017(g) beginning on Pg. 6.	Existing language is acceptable.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	The process for amendments and updates are not addressed in Blaine’s draft SMP or draft BMC. These processes are defined in state statutes.	Not addressed in draft SMP.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The process for amendments and updates are not addressed in Blaine’s draft SMP or draft BMC. These processes are defined in state	Not addressed in draft SMP.

Row	Summary of change	Review	Action
		statues.	
j.	Submittal to Ecology of proposed SMP amendments.		See BMC 17.81.070.D
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	Included.	See 3.4.A.17
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Included.	See 8.2.1
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Included.	See BMC 17.81.045
2014			
a.	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).	See draft SMP 3.4.A.8 Compare to Ecology's Guidance 2014(1) beginning on Pg. 13. Note the Department has no knowledge of any existing docks on fresh water lakes or rivers, and Dakota Creek is tidally influenced.	Additional language pending. Not currently included in draft SMP.
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Included.	See 9.8.1.L.a and 1.5.41
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The process for amendment appeals are not addressed in Blaine's draft SMP or draft BMC.	These processes are defined in state statues.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Included.	See 8.2.A.2

Row	Summary of change	Review	Action
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Included.	See 9.1.1.V
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Included.	See 1.5.41, See Policy 9.8L, See Use Reg 9.8.1.O
d.	The Legislature authorized a new option to classify existing structures as conforming .	Option not exercised.	Symantic in nature. No change required with non-conforming standards in place.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Addressed by appendix A in various sections.	Requires language “assure no net loss of shoreline ecological function”
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.	Not addressed in draft SMP	Not required to be addressed by Blaine SMP. Covered by State statutes.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Not addressed in draft SMP	Already allowed per Appendix A - SMP-A-17.82.430(C) for Fish and Wildlife habitat. Specific language not proposed to allow option for wetland mitigation bank credits.
c.	The Legislature added moratoria authority and procedures to the SMA.	Not addressed in draft SMP	Not required. Covered by State statutes.
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.	Not addressed in draft SMP	FEMA rep confirmed no floodways in Blaine. No change required.
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.	Not addressed in draft SMP	Check jurisdictional language and map.

Row	Summary of change	Review	Action
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.	Included.	See 3.4.A.15

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