

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.	<p>Title 18 and SMP definitions include outdated cost threshold of \$5,718. Outdated threshold also referenced in SMC 18.705(D)(1), SMP Chapter 7, page 105, and SMP Chapter 8, page 123.</p> <p>Relevant Section(s): SMC 18.200 & 18.705(D)(1), SMP Chapter 2 (page 26), SMP Chapter 7 (page 105), & SMP Chapter 8 (page 123).</p>	<p>Mandatory: Update all references to outdated cost threshold for consistency with updated SMA rules.</p> <p>Recommended: Update outdated cost threshold information on City’s Shoreline Exemption Permit Application for consistency with updated SMP.</p>
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	<p>Title 18 and SMP definitions do not include language to clarify that dismantling or removing structures is not considered development.</p> <p>DOE suggested language. <i>“Development” 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 stage of water level. “Development” does not include dismantling or removing structures if there is</i></p>	<p>Mandatory: Revise definition of “Development.”</p>

Row	Summary of change	Review	Action
		<p><i>no other associated development or re-development.</i></p> <p>Relevant Section(s): SMC 18.200 and SMP Chapter 2.</p>	
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	The SMP does not include these exceptions to local review under the SMA.	Mandatory: Add reference to statutory exceptions. Create a separate section in the SMP to reference exceptions in WAC 173-27-044, and -045, as amended.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	<p>The SMP does not include a thorough discussion of permit filing procedures. The SMP does reference RCW 90.58.140(6) for determining the date of filing, although the discussion of the appeals process references a date of 'receipt.' Forwarding shoreline permits to Ecology is included in the Roles and Responsibilities of the Shoreline Administrator, but there is no reference to WAC 173-27-130 for proper permit filing procedure.</p> <p>Relevant Section(s): SMC 18.700(B)(18), .730(D), .740 and SMP Chapter 8, pages 122, 138, and 140.</p>	Recommended: Update language in appeal process section of the SMP to clarify that the 21-day appeal period begins with the date of filing as defined by RCW 90.58.140(6). Add reference to WAC 173-27-130 in the Shoreline Administrator Roles and Responsibilities to clearly reference proper permit filing procedures.
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.	Forest practices are prohibited within shoreline jurisdiction.	No change needed.

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f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	There are no lands under exclusive federal jurisdiction on the shoreline of Angle Lake.	No change needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	<p>The SMP establishes its own provisions for nonconforming uses and development. The SMP and Title include a definition for “nonconforming use and development” which references WAC 173-27-080.</p> <p>Relevant Section(s): Definitions for “Nonconforming use and development” (SMC 18.200 and SMP Chapter 2, page 19), SMP Chapter 8 (page 128) and SMC 18.735.</p>	Optional: Consider updating definitions section to include distinct definitions for nonconforming use, nonconforming lot, and nonconforming development/structure consistent with WAC 173-27-080.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	<p>Title 18 references WAC 173-26 to establish procedures for periodic reviews and SMP amendments. The SMP lacks the corresponding <i>Master Program Review</i> section and provision (although it is included in the TOC).</p> <p>Relevant Section(s): SMC 18.750(D).</p>	Recommended: Add <i>Master Program Review</i> section to the SMP document to address the periodic review process for the SMP and include appropriate references to WAC 173-26-090 and RCW 90.58.080.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The SMP references WAC 173-26 and RCW 90.58.120 and .200 to establish procedures for SMP amendments.	No change needed.

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		Relevant Section(s): SMC 18.755 and SMP Chapter 8, page 139.	
j.	Submittal to Ecology of proposed SMP amendments.	<p>The SMP references WAC 173-26 and RCW 90.58.120 and .200 to establish procedures for SMP amendments.</p> <p>Relevant Section(s): SMC 18.755 and SMP Chapter 8, page 139.</p>	<i>No change needed.</i>
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	<p>The SMP does not include this exemption, although the definition for “Exemption” references WAC 173-27-040. The applicability of this code could be clarified, as elsewhere the SMP relies solely on a list of exemptions, rather than including a reference to the WAC.</p> <p>Relevant Section(s): Definition of “Exemption” (SMC 18.200, SMP Chapter 2, page 15), SMC 18.705, SMP Chapter 8, Shoreline Permits and Exemptions (page 123)</p>	Mandatory: Add exemption to SMP. Consider adding a reference to WAC 173-27-040 to exemptions section of SMP to improve clarity and consistency.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	SMP does not contain critical areas regulations. Per Ecology, there are no known critical areas within shoreline jurisdiction in SeaTac.	No change needed.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this. The City notes that a small portion of the I-5 ROW is within shoreline jurisdiction.	Recommended: Consider amending SMP to define special procedures for WSDOT projects per WAC 173-27-125. Ecology has provided example language.
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).	The SMP and Title 18 both reference the outdated threshold of \$10,000 and include references to WAC 173-27-040 for exemptions. Relevant Section(s): Definition of “Substantial Development” (SMC 18.200 and SMP Chapter 2, page 26), SMC 18.705(D)(6), SMP Chapter 7 (page 110), SMP Chapter 8 (page 124)	Mandatory: Update all references to outdated cost threshold for consistency with updated SMA rules.
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	SeaTac has no existing floating on-water residences.	<i>No change needed.</i>
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The SMP does not address SMP appeal process.	<i>No change needed.</i>
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Per Ecology, there are no known critical areas within shoreline jurisdiction in SeaTac. Therefore, the SMP does not include a distinct set of Critical Areas Regulations. SeaTac’s CAO	<i>No change needed.</i>

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
		(SMC 15.700) references the approved federal delineation manual. Relevant Section(s): SMC 15.700.015, .275, .285.	
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable. SeaTac has no saltwater shorelines.	<i>Not applicable.</i>
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	SeaTac has no existing floating on-water residences.	<i>No change needed.</i>
d.	The Legislature authorized a new option to classify existing structures as conforming .	Title 18 and the SMP do not classify existing residential structures as conforming.	<i>No change needed.</i>
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Per Ecology, there are no known critical areas within shoreline jurisdiction in SeaTac. Therefore, the SMP does not include a distinct set of Critical Areas Regulations, eliminating potential inconsistencies between shoreline CARs and SeaTac’s CAO. Relevant Section(s): SMC 18.755(B), SMP Chapter 8 (page 141)	Mandatory: Revise language in Chapter 8, page 141 to clarify that amendments to the SMP do not become effective until 14 days from Ecology’s written notice of final action.
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.	The SMP does not address this.	<i>No change needed.</i> The City prefers to omit reference to the “relief” procedure for shoreline restoration projects from the SMP.

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b.	Ecology adopted a rule for certifying wetland mitigation banks .	Per Ecology, there are no known critical areas within shoreline jurisdiction in SeaTac. Therefore, the SMP does not include a distinct set of Critical Areas Regulations. SeaTac's CAO (SMC 15.700) allows for the use of certified wetland mitigation banks. Relevant Section(s): SMC 15.700.310(D)(4)(b)	<i>No change needed.</i>
c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not address moratoria authority.	<i>No change needed.</i>
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.	Title 18 and SMP definitions include both the FEMA maps definition and the SMA definition. There are only minor discrepancies between the updated language and the definitions included in these documents. Relevant Section(s): SMC 18.200 and SMP Chapter 2 (page 16)	Optional: Update definition of "Floodway" to be wholly consistent with updated Ecology guidance.
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.	Neither Title 18 nor the current SMP include the necessary maps.	Mandatory: Update maps and include in updated SMP.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects	Title 18 and the SMP both include this exemption.	<i>No change needed.</i>

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
	that conform to the provisions of RCW 77.55.181.	Relevant Section(s): SMC 18.705(D)(12) and SMP Chapter 8 (page 126)	