

## 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

Row	Summary of change	Review	Action
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	<b>Chapter 6.F.3.g.</b> List of exemptions.	Amend <b>Chapter 6.F.3.g.</b> to reflect new dollar levels.
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> )	<b>Chapter 6.F.3.</b> List of exemptions.	No amendment. Does not affect Oak Harbor.
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	<b>Chapter 5.C.6.b.2.</b> Enhancement should improve sensitive plant and fish and wildlife species identified by: WDFW; WDNR; NMFS and/or USFWS.	No amendment. Existing language includes provision for this restoration.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	<b>Chapter 6.F.3.a.</b> list of exemptions refers to \$6,416 cost threshold.	Amend <b>Chapter 6.F.3.a.</b> to reflect \$7,047.
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	<b>Chapter 7</b> (Definitions) for “development” definition.	Amend <b>Chapter 7</b> to reflect updated “development” definition.
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	<b>Chapter 6.F.</b> for exceptions.	Amend <b>Chapter 6.F.6.</b> to add exceptions per WAC 173-27-044.
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	<b>Chapter 6.E.</b> for permit process.	Amend <b>Chapter 6.E.6. &amp; 7.</b> to reflect change in permit filing procedures.
e.	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.	<b>Chapter 4.B.</b> – Shoreline Use Table, Forest Practices use.	No amendment. No forest practices exist within shoreline jurisdiction.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	<b>Chapter 1.D.2.</b> and <b>Chapter 2.B.1.</b> – Applicability to Federal Agencies.	Amend <b>Chapter 1.D.2.</b> and <b>Chapter 2.B.1.b. &amp; c.</b> to reflect WAC 173-22-070.

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	<b>Chapter 6.J.</b> – Nonconforming Development.	Amend Chapter <b>6.J.</b> Section to reflect changes to nonconforming uses, structures, and lots. Separate the 3 types of nonconforming standards and create a definition for each in Chapter 7.
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	<b>Chapter 3.B.1.b.3.</b> – Scope and process for periodic reviews.	Amend to add consistency with local policies and regulations as a review requirement.
<b>i.</b>	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	<b>Chapter 6.M.4.</b> – Inclusion of optional SMP amendment process.	No amendment. States SMP review process shall be consistent with WAC 173-26. WAC 173-26-104 establishes joint review option. City Council provided direction (8/28/19) to engage in the shared process.
<b>j.</b>	<b>Submittal</b> to Ecology of proposed SMP amendments.	<b>Chapter 6.N.2.</b> – Amendments to the Master Program.	Add <b>6.N.2.</b> to address submittal requirements and move <b>6.N.2.</b> to <b>6.N.3.</b> and amend this section to reflect effective date of SMP amendments or revisions.
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	<b>Chapter 6.F.3.</b> – Reviewed for exemptions.	Add <b>6.F.3.p.</b> to reflect this exemption.
<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	<b>Chapter 3.B.4.a.</b> – Primary focus is to ensure 2014 wetlands rating system is incorporated.	Amend <b>Chapter 3.B.4.a.4.h.</b> to include subsection 2 to OHMC reference. The SMP incorporates the critical areas regs. in OHMC Title 20. OHMC 20.24.010(1 & 2) refer to the 2014 wetland rating system.
<b>2015</b>			
<b>a.</b>	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	<b>Chapter 6.I</b> – 90-day target for WSDOT projects.	Amend <b>Chapter 6.I</b> to include special procedures for WSDOT projects.

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<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.	<b>Chapter 4.D.9.c.</b> – Regulations for overwater residences.	Amend <b>4.D.9.c.4.</b> to incorporate WAC 173-26-241 (3)(j)(C). Add “floating on-water residence” to <b>Chapter 7.</b> Staff recommends changing “houseboats” to “floating on-water residence” on page 97 and in the “boathouse” definition page 125. Remove of “houseboat” definition, page 131, also recommended.
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures.</b>	<b>Chapter 6.E.</b> – Permit process.	No amendment. The existing SMP does not address the appeal process.
<b>2011</b>			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual.</b>	<b>Chapter 3.B.4.a.4.h.</b> – Establishes identification and rating of wetlands.	No amendment. This Section references OHMC 20.24.010(1) which requires wetland to be identified and delineated in conformance with the currently approved federal manual and regional supplements.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture.</b>	<b>Chapter 4.D.3.c.</b> and Chapter 7 Definitions: Aquaculture	No amendment. Definition, siting considerations and permit requirements addressed.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	<b>Chapter 4.D.9.c.</b> – Residential development.	Amend <b>Chapter 4.D.9.c</b> to include regulation for floating homes.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming.</b>	<b>Chapter 6.J.1.</b> – Nonconforming structures.	Amend <b>Chapter 6.J.1.</b> to reflect WAC 173-26-241(3)(J)(vi)(A).
<b>2010</b>			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	Critical areas; “grandfathered” uses; effective date.	No amendment. All GMA/SMA clarifications addressed.

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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.	<b>Chapter 5.C.1.c.14.</b> – Shoreline restoration and ecological enhancements.	No amendment. Addressed in <b>Chapter 5.C.1.c.14.b.</b>
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks.</b>	<b>Chapter 3.B.4.</b> – Critical Areas and Flood Hazard Areas.	No amendment. Wetland mitigation banking addressed in OHMC 20.24.050(4).
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	<b>Chapter 6.N</b> – Amendments to the Master Program.	Amend Chapter 6.N to add #3 to address moratorium under the SMA.
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.	<b>Chapter 3.B.4.a.2.</b> – Critical Areas and Flood Hazard Areas.	Amend <b>Chapter 7</b> Definitions. <b>Chapter 3.B.4.a.2.</b> refers to OHMC Chapter 17.20 for flood regulations. The OHMC establishes the FEMA maps as our adopted flood mapping source. Floodway definition in Chapter 7 needs refining.
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.	<b>Chapter 1.C.2.</b> – Applicable shoreline jurisdiction in Oak Harbor.	No amendment. <b>Chapter 1.C.2.</b> clearly states there are no streams, rivers, or lakes within Oak Harbor’s shoreline jurisdiction. There has been no change since that determination.
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.	<b>Chapter 6.F.</b> – Substantial Development Permits and Exemptions.	No amendment. <b>Chapter 6.F.3.m.</b> identifies projects to improve fish or wildlife habitat or fish passage as exempt when in conformance with WAC 173-27-040(2)(p).

## Additional amendments

In addition to the above list addressing amended laws, 3 supplemental documents are provided identifying additional proposed revisions.

**Document 1:** Identifies by page and SMP section minor errors/corrections, typos and document formatting revisions.

**Document 3:** Identifies Local and Regional Comprehensive plans and development regulations reviewed for consistency with the proposed Master Program. The Table below summarizes proposed amendments.

**Document 4:** Identifies revisions based on new or updated information or changed circumstances.