

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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# 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.*

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	Amend the number and/or words on pgs. 8(2), 85, 89, 93, 130	Number and/or words updated to adjusted cost threshold.
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	Amend pgs. 93, 117. See Ecology’s guidance document language (Ecology Language) to add.	Ecology Language added.
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	Remove SMP 7.2(13) on pg. 92 and use Ecology Language for a new section to be added. The guidance specifically says that these items should not be listed as exemptions. Numbering of exemptions will have to be checked. Also remove SMP 7.2(8) on pg. 90. Maybe add the Ecology Language to SMP 7.1.	Ecology Language added to SMP 7.1 and two exemptions removed from the SMP 7.2.
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	Replace (but probably leave some items that appear to be City rules and guidance) SMP 7.3.6 and 7.3.7 with Ecology Language. Do same with SMP 7.4.8 and 7.4.9. Do same with SMP 7.5.7 and 7.5.8.	Added Ecology Language to the SDP, CUP, and Variance appeal and Ecology sections: SMP 7.3.6, 7.3.7, 7.4.8, 7.4.9, 7.5.7, and 7.5.8.
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.	N/A. Per SMP 6.3.1 Forest Management Practices are prohibited in the City’s shoreline environments.	N/A. No action.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Add Ecology Language to end of SMP 1.3.	Added Ecology Language at the end of SMP 1.3.
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	Consider using some of the default language.	Added some default language to supplement the City’s SMP language.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>	Add Ecology Language to last paragraph of SMP 1.1. Other editing of that paragraph needed as well.	Ecology Language was added at the end of SMP 1.1 with additional explanation.

Row	Summary of change	Review	Action
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	N/A. DMMC 18.25.050, and elsewhere in the DMMC, does not have impediments to using this option.	No changes made.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	N/A. The City's SMP does not include a description of the SMP submittal process.	No changes made.
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	Add the new exemption Ecology Language to SMP 7.2.	Added this exemption to SMP 7.2.
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	The definition of a wetland in chapter 8 appears to need a major update. Chapter 16.10 DMMC includes the updated wetland regulations.	The DMMC critical area regulations that include the updated wetlands info have been incorporated into the SMP. Also the SMP wetland definition was replaced with an updated one.
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	N/A. No state highways in Des Moines within the shoreline jurisdiction.	No changes made.
<b>2014</b>			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).	Do not add this to the exemption list of SMP 7.2 because the City does not permit docks in the residential environment (would give the impression that we do) and there are no freshwater shorelines in the City.	No changes made.
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	N/A	No changes made.
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	N/A. The City's SMP does not include a description of the SMP appeal process.	No changes made.

Row	Summary of change	Review	Action
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The existing SMP wetland definition has conflicting information.	The DMMC critical area regulations that include the updated wetlands info have been incorporated into the SMP. Also a new wetland definition without the conflicting info has been incorporated into the SMP.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	N/A. Per SMP 6.3.3 commercial aquaculture is prohibited in all shoreline environments.	No changes made.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	N/A	No changes made.
d.	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	Consider adding this to the new SMP nonconforming code. See 2017 (g).	No changes made.
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	N/A. This is already addressed in SMP 1.4.	No changes made.
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 City’s SMP has much regarding restoration (SMP chapter 4) but nothing as far as these procedures that allow for relief of the SMP standards when doing restoration projects. Add the 2 pages of Ecology Language as a new subchapter between SMP 4.6 and 4.7. This would fit in as “mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans” (SMP 4.1).	Ecology Language added in new section between SMP 4.6 and 4.7.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	SMP 6.1.3 discusses mitigation. Might as well add the Ecology Language to this SMP section at the end (bullet	Ecology Language added as bullet #8 in SMP 6.1.3.

Row	Summary of change	Review	Action
		#8). It is consistent with DMMC 16.10.150(9).	
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Not addressed in current SMP and not required to be added to SMP. Will rely on statute.	No changes made.
<b>2007</b>			
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.	The City's SMP does not define "floodway" and the "floodway" definition in the DMMC is not consistent with the recommended Ecology Language. Also, no floodways in the City are identified by the FIRM maps. Leaving as is.	No changes made.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.	N/A. The streams are currently listed in SMP 1.3, 2.2, and Table 2 of the appendix. Streams are on many maps within the SMP. No lakes exist.	No changes made.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.	N/A. The City's SMP currently has it listed under SMP 7.2(12).	No changes made.