

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.

Prepared By	Jurisdiction	Date
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Row	Summary of change	Review	Action	ECY Comments
2021				
a.	The Legislature amended floating on-water residences provisions	06-03-K (d) - Residential structures and accessory structures are prohibited over water. 03-p09, Residential, Policy 1.8 - Residential development and accessory uses shall be prohibited over water.	No action needed.	
b.	The Legislature clarified the permit exemption for fish passage projects	06-04-p54-14 includes outdated information	Updated under Chapter 6, Section 4, item 16	
2019				
a.	OFM adjusted the cost threshold for building freshwater docks	06-04-p53 (8) contains outdated language/costs	Update cost thresholds to meet RCW 90.58.030 and WAC 173-27-040(2)(h) Updated in Chapter 6, section 4, item 9.	
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (applies to 9 jurisdictions)	Not applicable	No action needed	

c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Not applicable – the City has no saltwater shorelines, and the SMP does not contain a full list of fish habitat enhancement projects	No action needed	
2017				
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Pg. 51 contains outdated cost threshold	Updated in Chapter 6, section 4, item B Permits Required.	
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	06-01 (H) Definitions - Development does not include this clarification	Updated the definition for “development”. Located in Chapter 6, section 1.	
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	06-04-p56 (G-iv)	Update so Shoreline Permits include Ecology example language. See Chapter 6, section 4, item D.	
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Permit filing procedures described in 06-04-p51 Review Process	Update with Ecology example language in Chapter 6, Section 4, Item N Local Permit Filing Procedure.	
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.	Not addressed	No action needed	

f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Not applicable – no lands with exclusive federal jurisdiction in City limits.	No action needed	
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Nonconforming Development defined in 06-04-p60 (m)	Nonconforming structures, uses, and lots is updated is Chapter 6, section 4, item O Nonconforming Development. Definitions are updated is section Chapter 6, Section 1 Definitions	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	SE Overlay District requires periodic review. 06-04-p63 (O). Aligns with amendments.	No action needed	
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	06-04-p54 (2) does not clarify ability for shared public comment period.	No action needed	
j.	Submittal to Ecology of proposed SMP amendments.	SMP submittal process not described in SMP	No action needed	
k.	Ecology made a few housekeeping amendments to WAC 173-26-120 , which describes the state process for reviewing SMPs.	SMP reviewing process not described in SMP.	No action needed	

2016				
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Not addressed	Updated in Chapter 6, Section 4, item 4.	
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	07-03 includes Wetland regulations and ratings from the (outdated) Washington Department of Ecology Publication #04-06-015.	Update needed. Chapter 7 will be updated to reference the cities CAO rather than updating the specific language 12 12 22	
2015				
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Not addressed	07-03 needs addition of local review requirement for WSDOT projects. Updated in Chapter 6, Section 4, item E Special procedures for WSDOT projects.	
2014				
a.	The Legislature adjusted the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers	06-04-p53 (8) contains outdated language/costs	Update cost thresholds to meet RCW 90.58.030 and WAC 173-27-040(2)(h) Updated in Chapter 6, section 4, item C Exemptions from Substantial Development Permit Requirements, item 9(a)(i and ii).	

	<p>b. The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.</p>	<p>06-03-K (d) - Residential structures and accessory structures are prohibited over water. 03-p09, Residential, Policy 1.8 - Residential development and accessory uses shall be prohibited over water.</p>	<p>No action needed.</p>	
<p>2012</p>				
	<p>a. The Legislature amended the SMA to clarify SMP appeal procedures.</p>	<p>SMP appeal procedures are not described in SMP</p>	<p>No action needed</p>	
<p>2011</p>				
	<p>a. Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual.</p>	<p>13. Defined under 06-04 p56 (iv)</p>	<p>Updated the definition of a Qualified Professional to align with Ecology example language. Updated in Chapter 7, section 3, item A</p>	
	<p>b. Ecology adopted rules for new commercial geoduck aquaculture.</p>	<p>Not applicable – the City has no saltwater shorelines</p>	<p>No action needed</p>	
	<p>c. The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.</p>	<p>06-03-K (d) - Residential structures and accessory structures are prohibited over water. 03-p09, Residential, Policy 1.8 - Residential development and accessory</p>	<p>No action needed.</p>	

		uses shall be prohibited over water.		
d.	The Legislature authorizing a new option to classify existing structures as conforming.	Nonconforming Development defined in 06-04-p60 (m)	No action needed	
2010				
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Clarifications addressed in Ch.04: Shoreline Environments, Ch.03: Economic Development and in Ch.06: Shoreline Regulations Effective date of SMP is not defined in SMP, no clarification needed.	No action needed	
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.	Included within 06-04-03	Addition of DOE simple reference example to reference RCW 90.58.580, WAC 173-27-215 Located in Chapter 6, Section 4, item C, sub-item 15. Need to confirm with Ecology this is the appropriate location for this information.	
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Wetland Mitigation is included in 07-03. References DOE #06-06-011b but language not consistent with Ecology example language.	Chapter 7 has been updated to reference the cities CAO.	

c.	The Legislature added moratoria authority and procedures to the SMA.	Not addressed; per Ecology guidance: “The moratoria procedures may be included in an SMP but it is not necessary – local governments can simply rely on the statute or adopt these provisions into other ordinances.”	No action needed; moratoria authority language can be included if the City wishes, but is optional (see Ecology guidance) No action needed; moratoria authority language can be included if the City wishes, but is optional (see Ecology guidance)	
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.	06-01 (O) - Floodway defined similarly to that of option 2 of DOE example language.	No action needed	
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.	Partially addressed – SMP includes maps in Chapter 4 but list of streams and lakes other than Chewelah Creek are not in the SMP.	Needs clarification.	