

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.	King County Code (KCC) 21A.25.290B refers to WAC for shoreline exemptions (which are found in WAC 173-27-040).	No amendments needed.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	KCC 21A.25.020 definition for “development” currently refers to RCW 90.58. WAC 173-27 updated this definition.	Amend KCC 21A.25.020 to reference to WAC 173-27.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	WAC 173-27-044 and 173-27-045 exempt remedial actions, boatyard improvements for NPDES, and WSDOT facility maintenance and safety improvements.	Amend KCC 21A.25.290 to add reference to WAC 173-27-044 and 173-27-045.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	WAC 173-27-130 requires local jurisdictions to send permits to Ecology using Return Receipt Requested Mail	Procedural change, informed staff of requirement. No amendments needed.
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.	KCC 21A.25.130 regulates timber cutting in shorelines of statewide significance; consistent with WAC 173-26-241. Administrative guidelines also address this.	No amendments needed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	KCC 21A.25.050 already addresses tribal lands. Unincorporated King County does not have national parks or military bases.	No amendments needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	KCC 21A.25.310 refers to KCC 21A.32 for nonconforming uses and development.	No amendments needed.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	KCC does not include procedure for periodic reviews.	No amendments needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows	KCC does not include procedure for SMP amendment process.	No amendments needed.

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	for a shared local/state public comment period.		
j.	Submittal to Ecology of proposed SMP amendments.	KCC does not include procedure for submitting to DOE.	No amendments needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	KCC 21A.25.290B references WAC 173-27 for shoreline exemptions.	No amendments needed.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	KCC needs to be updated to reflect 2014 wetlands rating system.	The review of the KCC for the necessary updates is currently occurring, but will not be complete in time to be included in the 2019 SMP. King County will amend the code as part of additional SMP amendments that will be proposed in the 2020 Comprehensive Plan update.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	KCC 20.20.100 identifies timelines for permit issuance for various types of permits.	Amend KC 20.20.100 to reflect timeline target for WSDOT projects.
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).	KCC 21A.25.290B references WAC 173 for shoreline exemptions	No amendments needed.
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not allowed in KCC 21A.	No amendments needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Administrative guidelines already address this.	No amendments needed.

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2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	KCC 21A.06.1391 currently references RCW 36.70A.175.	Amend KCC 21A.06.1391 to reference WAC 173-22-035.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	KCC needs to be updated to reflect requirements in WAC 173-26-241(3)(b)(ii-iv)	Amend KCC 21A.06.172B, 21A.25.100, and 21A.25.110 to reflect WAC requirements.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not allowed in KCC 21A.25	No amendments needed.
d.	The Legislature authorized a new option to classify existing structures as conforming .	Not necessary, addressed in KCC 21A.32.	No amendments needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Administrative guidelines already address this.	No amendments 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.	WAC 173-27-215 is new procedure for relief from hardship.	Amend 21A.25.160 to include this new procedure.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Not in KCC and not required by the state.	No amendments needed.
c.	The Legislature added moratoria authority and procedures to the SMA.	Not KCC and not required by the state.	No amendments needed.
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.	KCC 21A.06.455 defines FEMA floodway.	No amendments needed.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map	KC SMP includes a list and a map. WAC also requires the list and map to be updated if there is a discrepancy	Amend KCC 21A.25.050 to add requirement to update the list within three years if it is determined that additional

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	of streams and lakes that are in shoreline jurisdiction.	between the criteria and the list/map.	streams/lakes that meet the criteria.
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.	KCC 21A.25.290 refers to WAC 173-27 for exemptions.	No amendments needed.