

SHORELINE MASTER PROGRAM PERIODIC REVIEW – CITY OF GOLD BAR

Periodic Review Checklist (Version: November, 2018)

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.	2014 SMP references previous \$6,416 cost threshold (<i>Definitions: Substantial Development</i> , p. 121).	Revise SMP, permit application forms, or other administrative documents to reflect Substantial Development cost threshold of \$7,047.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2014 SMP does not define “development” in this way (<i>Definitions: Development</i> , p. 113). If clarification would be helpful, it may be incorporated into SMP.	Revise SMP with Ecology example code clarifying that “development” does not include dismantling or removing structures.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	2014 SMP lists exemptions to substantial development permits but does not include a section on exceptions to SMA review (§6E, <i>Shoreline Substantial Development Permit Exemptions</i> , p. 96).	Consolidate all applicable exceptions to local review, including projects pertaining to RCW 80.50, in a section separate from permit exemptions.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	“Date of filing” is already used in place of “date of receipt,” as required to maintain compliance. 2014 SMP incorporates 2011 statutory requirements (§6I, <i>Permit Process</i> , with clarification on p. 107 that “date of filing” is the actual date of receipt by Ecology).	No amendment 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.	Forest practices prohibited within shoreline jurisdiction per §4C(7)(b), <i>Forest Practices – Policies</i> , p. 55.	N/A
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction.	No lands with exclusive federal jurisdiction in city limits.	N/A
g.	Ecology clarified “default” provisions for nonconforming uses and development.	2014 SMP does not include tailored provisions for nonconforming use and development, but adopts WAC	No amendment needed.

Row	Summary of change	Review	Action
		173-27-080 by reference (§6H, <i>Non-Conforming Use and Development Standards</i> , pp. 100-101, and <i>Definitions – Non-Conforming Use or Development</i> , p. 116).	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	2014 SMP does not describe periodic review procedures in detail (§6N, <i>Master Program Review</i> , p. 108), so maintaining consistency with clarifying amendments does not apply.	No amendment needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2014 SMP states that SMP may be amended as provided for in WAC Chapter 173-26, §6O, <i>Amendments to the Master Program</i> , p. 109.	No amendment needed.
j.	Submittal to Ecology of proposed SMP amendments.	2014 SMP does not address the details of SMP amendment submittal process (WAC 173-26-140 is referenced with regard to Ecology submittal procedures for administrative interpretation of SMPs in §6C(7) on p. 95, but WAC 173-26-110 and WAC 173-26-120 are not referenced with regard to submittal to Ecology for final review of SMP amendments nor the state process for reviewing SMPs, respectively). City will rely on state rule.	No amendment needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	2014 SMP does not include new permit exemption for retrofits to comply with ADA (§6E, <i>Shoreline Substantial Development Permit Exemptions</i> , pp. 96-98).	Add the ADA exemption to the list of statutory permit exemptions.
b.	Ecology updated wetlands critical areas guidance including	2014 SMP adopts 2016 CAO in §3B(3)(a), <i>Critical Areas – Applicability</i> . The SMP uses	Revise SMP to reference 2014 updates to rating system incorporated into 2016 CAO,

Row	Summary of change	Review	Action
	implementation guidance for the 2014 wetlands rating system.	state wetlands rating system as revised by Ecology in §3B(3)(c), <i>Critical Areas – Regulations</i> , p. 21), plus buffer table (<i>Table 1, Wetland Buffer Requirements</i> , pp. 22-23) and stormwater management (<i>Table 2, Required Measures to Minimize Impacts to Wetlands</i> , p. 23).	replacing former “Guidance for Small Cities, Western Washington version” referenced in <i>Critical Areas – Regulations</i> §3B(3)(c). Revise SMP to adopt 2016 CAO update in particular, not merely CAO as amended.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2014 SMP does not include provisions for WSDOT review. Transportation facilities referenced in §4C(16), <i>Transportation Facilities</i> , pp. 66-68.	SMP may adopt Ecology example code incorporating direction to conduct review consistent with 90-day legislative target. WSDOT reviews any city projects that may impact their transportation system, US-2, and I think the city has the obligation to review their projects that impact the city.
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).	All docks are prohibited in shoreline jurisdiction (pp. 89-90).	N/A
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	The city includes no floating on-water residences, which are prohibited in shoreline jurisdiction (§5G, <i>Overwater Structures</i> , pp. 89-90).	N/A
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Appeal process in §6K, <i>Appeal to the State Shoreline Hearings Board</i> (p. 107), but steps are not described in detail. City will rely on state laws and rules.	No amendment needed, except to correct typo in 6K header, <i>Appeal to the State Shoreline (sic) Hearings Board</i> .

Row	Summary of change	Review	Action
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Incorporated into 2014 SMP in §3B(3)(c), <i>Critical Areas – Regulations</i> , p. 21.	N/A. Addressed during comprehensive update.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	The city includes no marine shorelines.	N/A
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	The city includes no floating homes, which are prohibited in shoreline jurisdiction (§5G, <i>Overwater Structures</i> , pp. 89-90).	N/A
d.	The Legislature authorized a new option to classify existing structures as conforming .	Incorporated into 2014 SMP Residential Development – Regulations, §4C(14)(c)(13), p. 65.	N/A. Addressed during comprehensive update.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	<p>2014 SMP makes no reference to “effective date” of SMP amendments, merely states that SMP amendments do not become effective until approved by Ecology (§6O(2), <i>Amendments to the Master Program</i>).</p> <p>2014 SMP incorporates 2010 GMA amendments: RCW 36.70A.480 referenced on §6C(9), <i>Review Criteria for All Developments</i>, p. 95. Regulations to assure no net loss of shoreline ecological function referenced throughout SMP.</p>	N/A. Addressed during comprehensive update.
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.	Ecology rule referenced in 2014 SMP on p. 37, <i>Restoration – Policies</i> , §3B(7)(b)(7).	N/A. Addressed during comprehensive update.

Row	Summary of change	Review	Action
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Incorporated into 2016 CAO in §5.3(F) of that document. For SMP, refer to §3B(3)(a), <i>Critical Areas – Applicability</i> .	City may incorporate statement about mitigation banking into SMP consistent with 2016 CAO. Revise SMP to adopt/more fully incorporate the 2016 CAO update in particular, not merely the CAO as amended.
c.	The Legislature added moratoria authority and procedures to the SMA.	2014 SMP does not address optional moratoria procedures. City may rely on statute without amending SMP.	No amendment 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.	Incorporated into 2014 SMP: "floodway" defined with FEMA maps in <i>Definitions – Floodway</i> , p. 114.	N/A. Addressed during comprehensive update.
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.	Incorporated into 2014 SMP: shorelines listed (§1B, p. 2) and mapped (<i>Figures 1-15, Appendix 2: Maps</i>). No new streams or lakes identified since last update.	N/A. Addressed during comprehensive update.
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.	Incorporated into 2014 SMP: reference to fish habitat enhancement projects in §6E(6)(p), <i>Shoreline Substantial Development Permit Exemptions</i> , p. 97.	N/A. Addressed during comprehensive update.