

SHORELINE MASTER PROGRAM PERIODIC REVIEW

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
Brittany Port, AICP	Cle Elum	9/1/20

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	<p>Section 6.3 Permit Exemptions, (2)(g) of the SMP identifies exemption cost thresholds for construction of a dock to be \$10,000 and \$2,500 for subsequent construction occurring within five years of the completion of the prior construction.</p> <p><i>g. Construction of a dock, including a community dock, designed for pleasure craft only for the private non-commercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed ten thousand dollars (\$10,000); but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;</i></p>	<p>Revise text as follows;</p> <p><i>g. Construction of a dock, including a community dock, designed for pleasure craft only for the private non-commercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed:</i></p> <p><i>i. Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced; or</i></p> <p><i>ii. Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.</i></p> <p><i>However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</i></p>

Row	Summary of change	Review	Action
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable to the City of Cle Elum.	No amendments required.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Section 6.3 Permit Exemptions (2)(o)(iv) references RCW 77.55.181 and does not include a full list of fish habitat enhancement project types.	No amendments required.

2017

a.	OFM adjusted the cost threshold for substantial development to \$7,047.	<p>Section 6.3 Permit Exemptions (2)(a) references the cost threshold for substantial developments at \$6,416.</p> <p>Section 7 Definitions and Acronym List (38) references RWC 90.58.030(3)(e), which is the State’s reference to the latest CPI-adjusted threshold for exemption to a substantial development permit.</p> <p><i>38. "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.</i></p>	Amend the cost threshold in Section 6.3(2)(a).
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Section 7 Definitions and Acronym List (29) provides the definition for ‘development’ and does not specifically mention dismantling or removing structures	Revised definition as follows: 29. "Development" means a use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping,

Row	Summary of change	Review	Action
		<p>29. "Development" means a use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling; removal of any sand, gravel or minerals; bulkheading; driving of pilings; placing of obstructions; interior building improvements that do not change the use or occupancy; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act at any stage state of water level. Residential development includes single-family development, multi-family development, and the creation of new residential lots through subdivision.</p>	<p>filling; removal of any sand, gravel or minerals; bulkheading; driving of pilings; placing of obstructions; interior building improvements that do not change the use or occupancy; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act at any stage state of water level. Residential development includes single-family development, multi-family development, and the creation of new residential lots through subdivision. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.</p>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not address exemptions under WAC 173-27-044 and 173-27-045.	<p>New section under 6.2 Permit Applicability: <i>D. Exceptions from Local Review</i> <i>1. Developments not required to obtain shoreline permits or local reviews.</i> <i>Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:</i> <i>a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a</i></p>

Row	Summary of change	Review	Action
			<p><i>consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.</i></p> <p><i>b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.</i></p> <p><i>c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.</i></p> <p><i>d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</i></p> <p><i>e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.</i></p>
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Section 6.7 Review Procedures (6)(a) describes the submittal requirements and makes references to WAC 173-27-130. 6. <i>Submittal to the</i>	No amendments required.

Row	Summary of change	Review	Action
		<p><i>Washington State Department of Ecology:</i></p> <p><i>a. Required submittal. All applications for a permit or a permit revision shall be submitted to the Washington State Department of Ecology upon a final decision by local government, pursuant to WAC 173-27-130.</i></p>	
e.	<p>Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.</p>	<p>The SMP addresses forest practices and allows forest practices as a conditional use in Natural shoreline environment. The SMP does not reference WAC 222- 50-020 and does not specify requirements for timber cutting alone. Section 5.9 Forest practices (A)(3) describes the policies for timber harvesting.</p> <p><i>5.9 Forest practices</i> <i>A. Policies</i> <i>3. Ensure that timber harvesting on shorelines of statewide significance does not exceed the limitations established in RCW 90.058.150 (regarding selective harvest requirements), except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.</i></p>	<p>Amend policy to include language from revised rule into forest use regulations.</p> <p>5.9 Forest practices A. Policies 3. Ensure that timber harvesting on shorelines of statewide significance does not exceed the limitations established in RCW 90.058.150 (regarding selective harvest requirements), except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses. 4. A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline Substantial Development Permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a Substantial Development Permit, as required by WAC 222-50-020.</p>

Row	Summary of change	Review	Action
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	<p>The SMP specifies that federal development on federally owned lands is not required to obtain a shoreline permit unless otherwise required by law.</p> <p><i>1.7 Applicability</i></p> <p><i>1. Federal lands include, but are not limited to, national forests, national parks, national wilderness areas, and lands owned by the Federal Bureau of Land Management (BLM). The following subsections shall guide the determination of SMP applicability on federal lands:</i></p> <p><i>a. Federal development on federally owned land is not required to obtain a shoreline permit, unless otherwise required by law, but shall be consistent to the maximum extent practicable with this master program;</i></p> <p><i>b. Non-federal activities, uses and development on federally owned land are subject to this SMP and must obtain a shoreline permit;</i></p>	It is not necessary to amend local SMPs to reflect this clarification unless the City faces questions about the applicability of the SMP on lands with exclusive jurisdiction.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Changes to nonconforming uses and development are not necessary as the City’s SMP has its own provisions for nonconforming use and development under Section 6.2 Applicability (D)	Consider adding a definition for nonconforming lots in accordance with Section 6.3 as follows: 66. “Nonconforming lot” means an undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary

Row	Summary of change	Review	Action
		<p>The City should consider adding a definition for “Nonconforming lot”</p> <p>7. <i>Definitions and Acronym List</i></p> <p>66. <i>"Nonconforming structure" means a structure within the shoreline jurisdiction that was lawfully established prior to the effective date of this master program, or through the variance process, which does not conform to present setbacks, buffers, bulk, height or other development standards.</i></p> <p>67. <i>"Nonconforming use" means a use which was lawfully established prior to the effective date of this master program, or amendments thereto, but which does not conform to present regulations or standards of this program, including procedural requirements such as those requiring certain uses to obtain conditional use permit approval.</i></p>	<p>high watermark which was established in accordance with local and state subdivision requirements prior to the effective date of this master program but which does not conform to the present lot size standards.</p> <p>67. <i>"Nonconforming structure" means a structure within the shoreline jurisdiction that was lawfully established prior to the effective date of this master program, or through the variance process, which does not conform to present setbacks, buffers, bulk, height or other development standards.</i></p> <p>68. <i>"Nonconforming use" means a use which was lawfully established prior to the effective date of this master program, or amendments thereto, but which does not conform to present regulations or standards of this program, including procedural requirements such as those requiring certain uses to obtain conditional use permit approval.</i></p>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	<p>This SMP does not have a section outlining the scope and process for periodic review.</p> <p>The City will perform periodic updates to its SMP as directed by the SMP Guidelines in place</p>	No amendment is necessary per revised WAC 173-26-090 and WAC 173-26-110, see WSR 17-17-016. This is procedural in nature as to how reviews of the SMP are to occur.

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		at the time of the periodic review.	<p>amend Section 1.5 to clarify that the Comprehensive Update process was applicable to the 2016 SMP. Consider adding a new Section 1.6 referencing how the periodic review process is completed:</p> <p>1.6 Periodic Reviews of this SMP This SMP is required to be reviewed, and amended on a periodic review schedule set forth under the Shoreline Management Act (SMA). 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.</p>
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The City's SMP states in section 6.13 Amendments to Master Program <i>'All Master Program amendments shall be processed pursuant to the procedural requirements of WAC 173-26-010 through 173-26-160 and RCW 90.58.090.'</i> This allows the City to exercise the optional SMP amendment process identified in WAC 173-26-104.	No amendments required.
j.	Submittal to Ecology of proposed SMP amendments.	The SMP does not include a procedure on the SMP submittal process to the	No amendments required.

Row	Summary of change	Review	Action
		Department of Ecology. This item is not required by the state.	
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	<p>The SMP references WAC 173-27-040(2) as exempt activities from the shoreline development permitting process.</p> <p><i>6.3 Permit Exemptions</i> <i>2. Developments exempt from shoreline substantial development permitting process:</i></p> <p><i>Subject to the general provisions above, exempt activities include those set forth in WAC 173-27-040(2) and RCW 90.58.030, as amended:</i></p> <p>The section continues to list exempt developments therefore it is recommended an additional exemption be added for ADA exemptions.</p>	<p>Added development exempt from the shoreline substantial development permitting process:</p> <p><i>6.3 Permit Exemptions</i> <i>2. Developments exempt from shoreline substantial development permitting process:</i></p> <p><i>p. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</i></p>
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	<p>Wetland provisions in the SMP adequately address Ecology’s most recent guidance, as identified by Ecology’s evaluation. Regulations for wetland designations, mapping, delineation, and categorization are described in section 4.2 Environmental Protection and Critical Areas (F)</p> <p><i>4. Categorization and rating: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetlands shall be identified, rated, categorized, and delineated by a qualified</i></p>	No amendments required.

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		<p>wetland professional in accordance with the current version of the Washington State Wetland Rating System for Eastern Washington, the procedure outlined in WAC 173-22-035, and the appropriate rating forms approved by the Washington State Department of Ecology. These categories are generally defined as follows:</p>	
2015			
a.	<p>The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.</p>	<p>The SMP does describe transportation policies and regulations in section 5.18 Transportation. The SMP does not include specific details on WSDOT projects. The City could consider adding permit processing procedures to section 5.18.</p>	<p>Added text 5.18 Transportation C. Special procedures for WSDOT projects. <i>1. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.</i> <i>2. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.</i></p>
2014			
a.	<p>The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.</p>	<p>The City does not have any existing floating onwater residences so no amendment is necessary.</p>	<p>No amendments required.</p>

Row	Summary of change	Review	Action
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The City only outlines appeal processes for shoreline permits, but not for appeals to the actual SMP. No amendments are necessary.	No amendments required.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	The SMP states in section 4.2 Environmental Protection and Critical Areas (F)(3) <i>Delineation: Wetlands shall be identified and delineated by a qualified wetlands professional in accordance with the approved federal wetland delineation manual and applicable regional supplements.</i> No amendments are necessary	No amendments required.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Cle Elum has no saltwater shorelines, no SMP amendments are needed.	No amendments required.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	The City does not have any existing floating homes, no amendment is necessary.	No amendments required.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	The SMP does not use this option. The SMP addresses non-conforming uses in section 6.1 Purpose (D). The City could consider classifying existing structures as conforming so that redevelopment, expansion or replacement is allowed so long as it is consistent with the SMP and No Net Loss requirements.	No amendments required.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	SMP states in section 1.10 <i>Effective Date This Program and all amendments thereto shall</i>	No amendments required.

Row	Summary of change	Review	Action
		<p><i>become effective 14 days after final approval by Ecology.</i></p> <p>No amendments are necessary</p>	
2009			
a.	<p>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.</p>	<p>Not addressed in the current SMP.</p>	<p>No amendments required.</p>
b.	<p>Ecology adopted a rule for certifying wetland mitigation banks.</p>	<p>The SMP addresses wetland mitigation bank certification in section 4.2 Environmental Protection and Critical Areas (I)(7) Mitigation ratios for wetland impacts:</p> <p><i>Mitigation ratios shall be used when impacts to wetlands cannot be avoided, as specified in Table 4.2-2. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.</i></p> <p><i>Compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater wetland functions. The ratios shall apply to mitigation that is in-kind, is on-site, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a certified wetland mitigation bank or in-lieu fee program. When credits from a</i></p>	<p>No amendments required.</p>

Row	Summary of change	Review	Action
		<p><i>certified bank or in-lieu fee program are used, replacement ratios should be consistent with the requirements of the bank's/program's certification.</i></p>	
c.	<p>The Legislature added moratoria authority and procedures to the SMA.</p>	<p>SMP addresses this in section 6.5 Review Authority(3)(e) <i>Adopt moratoria or other interim official controls necessary to implement SMP, in accordance with RCW 90.58.590 as amended.</i></p>	<p>No amendments required.</p>
2007			
a.	<p>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.</p>	<p>Floodway is defined in the SMP as. <i>45. "Floodway" means the area, as identified in a master program, that either:</i> <i>a. Has been established in federal emergency management agency flood insurance rate maps or floodway maps (defined as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (one hundred-(100)-year flood) without cumulatively increasing water surface elevation more than a designated height of one (1) foot); or</i> <i>b. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; said floodway being</i></p>	<p>No amendments required.</p>

Row	Summary of change	Review	Action
		<p><i>identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occur with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.</i></p>	
b.	<p>Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.</p>	<p>No new streams or lakes since the previous comprehensive update have been identified.</p>	<p>No amendments required.</p>
c.	<p>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.</p>	<p>The SMP addresses this in section 6.3 Permit Exemptions (2)(o) <i>A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:</i></p> <p><i>iv. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline Master Programs, as follows:</i></p>	<p>No amendments required.</p>

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

SMP section	Summary of change	Review	Action
1.2	Gramatical error		Twenty (20) cubic feet per second
4.2 11(j)(1)(e)	Delete duplication	Line e is listed twice	Delete duplication