

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.	SMP Update Section: 20.25E.170.C.1	No action needed
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	SMP Update Section: 20.25E.280 20.25E.010.C.1 Incorporation of SMA	No action needed
c.	Ecology adopted rules that clarify exceptions to local review under the SMA .	SMP Update Section: 20.25E.010.C.1 Incorporation of SMA	No action needed
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	SMP Update Sections: 20.25E.180.B, 20.25E.190.B, 20.25E.160.G, 20.25E.180.G, 20.25E.190.G State Process Amendment	No action 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.	SMP Update (Not Applicable in Bellevue)	Not applicable
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction .	SMP Update (Not Applicable in Bellevue)	Not applicable
g.	Ecology clarified “default” provisions for nonconforming uses and development .	SMP Update Sections: 20.25E.040 and 20.25E.065.I	No action needed
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	State Process Amendment – City will rely on SMA and Shoreline Rules	Not applicable
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	State Process Amendment – City will rely on SMA and Shoreline Rules	Not applicable
j.	Submittal to Ecology of proposed SMP amendments.	State Process Amendment – City will rely on SMA and Shoreline Rules	Not applicable

Row	Summary of change	Review	Action
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act (ADA) .	No ADA exemption in LUC 20.25E.170.C.	Amendment required. Add exemption to the SMP Update prior to transmittal to Department of Ecology for final approval. Proposed code language is provided at the end of this Matrix.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Critical Areas Overlay resolution #9152 (Oct. 10, 2016) incorporated by reference with SMP Update	No action needed
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Reviewed targets set administratively by Director. City of Bellevue takes note of 90-day target and will process permits accordingly.	No action needed
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).	SMP Update Section: 20.25E.170.C.8	No action needed
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	SMP Update Section: 20.25E.030	No action needed
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	SMP Update Section: 20.25E.200 and 20.25E.100.B.2	No action needed
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	No federally-owned properties within Bellevue's Shoreline Jurisdiction	Not applicable
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Geoduck aquaculture limited to saltwater areas not present in Bellevue	Not applicable

Row	Summary of change	Review	Action
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	SMP Update Section: 20.25E.030	No action needed
d.	The Legislature authorized a new option to classify existing structures as conforming .	SMP Update Section: 20.25E.040 and 20.25E.065.I	No action needed
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	SMP Update Section: N/A	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.	City will rely on SMA	No action needed
b.	Ecology adopted a rule for certifying wetland mitigation banks .	SMP Update incorporates by reference SMA authority	No action needed
c.	The Legislature added moratoria authority and procedures to the SMA.	City will rely on RCW 90.58.590, now or hereafter amended	No action 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 changes into LUC and CAO Ord. 6013, 8-1-11	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.	SMP Update Section: 20.25E.010.B.2 and 20.25E.010.C.2	No action needed
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.	SMP Update Section: 20.25E.170.C.16	No action needed

Code Language to Address Required Amendment in Response to 2016a:

New Exemption from Shoreline Substantial Development Permits – LUC 20.25E.170.C.17

17. 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. This exception will be administered under the terms of Part 20.30T Reasonable Accommodation of the Land Use Code.