

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.	ECDC 24.80.010.B.1 lists a threshold value of \$5,718.	Section should be updated to reflect the updated dollar threshold.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	ECDC 24.90.020.I does not include the clarifying sentence at the end of the definition noting that “development” does not include dismantling or removing structures.	Definition of development should be updated.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA .	ECDC 24.80 does not include the clarifications for exceptions to local review.	Should add new section to ECDC 24.80 consistent with WAC 173-27-044 and 173-27-045.

Row	Summary of change	Review	Action
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Administrative procedures in 24.80 are consistent with the permit filing procedures adopted un SSB 5192.	No amendment necessary.
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.	The City of Edmonds’ SMP relies on the Forest Practices Act (RCW 76.09) for forestry activities within shoreline jurisdiction as recommended by WAC 173-26-241(3)(e).	No amendment necessary.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	No shoreline areas within Edmonds jurisdiction are under exclusive federal jurisdiction.	No amendment necessary.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	The City of Edmonds’ SMP contains a nonconforming development chapter (Chapter 24.70 ECDC).	Should considered amending provision requiring a nonconforming structure which is moved any distance to be brought into full conformance. Current language may act a disincentive to making something less nonconforming (e.g. move further away from shoreline).
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	The only mention of periodic reviews (updates) in the SMP is under the Administrative Authority and Responsibility section in ECDC 24.80.150. ECDC 24.80.150.A notes a cumulative effecters review every seven years with the SMP update.	Consider adding line regarding periodic reviews under City Council’s Administrative Authority and Responsibility (ECDC 24.80.150.C) and correct the update frequency in ECDC 24.80.150.A.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Joint public hearings with other local, state, regional, federal or other public agency allowed by ECDC 20.06.001. City of Edmonds may consider the optional SMP amendment process during the periodic update.	No amendment necessary.
j.	Submittal to Ecology of proposed SMP amendments.	The City of Edmonds’ SMP does not contain a description	No amendment necessary.

Row	Summary of change	Review	Action
		of the SMP submittal process for Ecology's review.	
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	The list of exemptions in ECDC 24.80.010.B does not contain and exemption regarding ADA retrofitting.	The list of exemptions should be updated to add the new exemption for ADA retrofitting.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The City of Edmonds included the most recent wetland guidance (June 2016) within its SMP.	The City of Edmonds should consider updating the CAO with the June 2016 guidance prior to updating the SMP so the same wetland regulations will apply both within and outside shoreline jurisdiction.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The City of Edmonds SMP currently does not contain the special procedure for WSDOT projects.	A new section could be added to ECDC 24.80 to address the 90-day review 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).	ECDC 24.80.010.B.7.b lists a threshold value of \$10,000.	Section should be updated to reflect the updated dollar threshold. .
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	The City of Edmonds does not have any floating on-water residences and new on-water residences are prohibited.	No amendment necessary.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	These provisions are not about appeals of individual permits. They describe the appeal pathway after Ecology's approval of an SMP. The City of Edmonds SMP does not describe the appeal process of an SMP.	No amendment necessary.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in	ECDC 23.50.010.A (which is adopted by the SMP)	No amendment necessary.

Row	Summary of change	Review	Action
	accordance with the approved federal wetland delineation manual .	references the approved federal wetland delineation manual for designating wetlands.	
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Geoducks are not specifically addressed in the aquaculture section (ECDC 24.60.010); however, given the urbanized shoreline, geoduck aquaculture in Edmonds is highly unlikely.	No amendment necessary.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	No existing floating homes within Edmonds and new on-water residences are prohibited.	No amendment necessary.
d.	The Legislature authorized a new option to classify existing structures as conforming .	Nonconforming structures addressed in ECDC 24.70.020.	No amendment necessary.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	SMP was developed with GMA/SMA integration taken under consideration.	No amendment necessary.
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.	This “relief” procedure is not explicitly referenced in the SMP; however, the process may be used even if the provision is not in the SMP.	Consider adopting “relief” rule by reference, or granting relief incorporate the rule into the SMP to make it clear that this process is available.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Critical area regulations incorporated in the SMP authorizes the use of wetland mitigation banks.	No amendment necessary.
c.	The Legislature added moratoria authority and procedures to the SMA.	Moratoria not explicitly addressed in the SMP.	No amendment necessary.
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.	Floodway not defined in SMP or CAO.	A definition of floodway should be added to the CAO noting that floodways are the area established in the FEMA maps.

Row	Summary of change	Review	Action
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.	Shoreline jurisdiction in the City of Edmonds is defined within the text of the SMP and on maps.	Review and revise shoreline jurisdiction as necessary.
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.	The City of Edmonds' SMP provides an exemption for fish habitat enhancement projects, but does not contain all of the language included in WAC 173-27-040(2)(p).	Consider amending the exemption provision to match WAC 173-27-040(2)(p) or simplify the language to reference the exemption.

Other Review Elements

In addition to ensuring consistency with changes to the state laws and rules identified above, the City of Edmonds is considering reviewing and modifying (as necessary) the following elements of the City's Shoreline Master Program.

SMP Section	Summary	Review	Action
Edmonds Marsh, UMU IV shoreline designation, Shoreline Inventory and Characterization	The Edmonds Marsh was identified as a shoreline of the state relatively late in the previous SMP update and appropriate shoreline regulations surrounding the marsh was the subject of significant public comment and discussion before the City Council.	The City of Edmonds has contracted with a consultant to assess the ecological functions of the marsh and evaluate buffer widths that will ensure effective site-specific buffer functions.	Results from the Edmonds Marsh study will be used to update the Shoreline Inventory and Characterization and could result in modifications to UMU IV shoreline regulations.
24.80.100	This section identifies when a public hearing is required for a shoreline substantial development permit. In some instances, a shoreline permit may begin the process as a staff decision but require a public hearing if one or more interested persons request a public hearing.	Clarification should be added to how a review moves from a staff decision process (Type II) to a public hearing process (Type III).	Consider establishing a process similar to the contingent review process in critical areas section ECDC 23.40.195.