

SHORELINE MASTER PROGRAM PERIODIC REVIEW – CITY OF PACIFIC (JANUARY 2019)

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.	The SMP references the outdated \$5,000 cost threshold.	Revise definition of “substantial development” to new inflation-adjusted amount or amend to refer to State laws and rules. See PMC 21.50.060.B as renumbered.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	The SMP does not clarify that removing structures does not constitute development.	Add clarification to definition of “development.” See PMC 21.08.040.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	The SMP refers to exemptions under WAC 173-27-040, but does not refer to exceptions under WAC 173-27-044 or -045.	Create a new “Applicability” section that clearly defines jurisdiction, including exemptions and exceptions. See PMC 21.50.050 as renumbered.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	The SMP describes the local permit filing process but does not reference 2011 statutory amendments.	Add reference to statutory amendments. See PMC 21.50.180.J as renumbered.
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 SMP refers to permits which may be required for selective commercial timber harvesting but does not clarify that just timber cutting activity is not considered development.	No action needed. It is not necessary to amend local SMP forestry regulations to reflect this clarification. Pacific does not allow forest practices in any shoreline environment.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	There are no federal lands in the city.	Within the new “Applicability” section described above, provide this clarification in case of questions about SMP applicability on federal (BPA) lands. See PMC 21.50.050 as renumbered.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	The SMP includes provisions for nonconforming uses in Chapter 21.50.040 and a definition of “nonconforming use or site” in Chapter 21.08.140.	No action needed. The City’s SMP includes some customized non-conforming language and the SMP Guidelines allow flexibility. Optionally, the revised WAC could provide ideas for clarifications or improvements

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			to the existing provisions in Chapters 21.50.040 and 21.08.140.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	SMP does not describe periodic review scope and procedures.	No Action needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The SMP does not address the details of the SMP amendment process.	Consider amending PMC 21.50.260 to include reference to the new joint notice process for SMP amendments as well as the standard process.
j.	Submittal to Ecology of proposed SMP amendments.	SMP does not describe SMP submittal process.	No Action needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	The SMP refers to the list of exemptions provided in WAC 173-27-040.	Clarify that improvements to existing structures for ADA compliance are not subject to nonconformance regulations. See PMC 21.50.060.R as renumbered.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The SMP refers to the 2004 Ecology wetlands rating system.	Revise to refer to the 2014 wetlands rating system.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this.	Consider amending 21.50 to define special procedures for WSDOT projects per WAC 173-27-125 to ensure the SMP is implemented consistent with the statute. See PMC 21.50.180 as renumbered.
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).	Exemption from Substantial Development Permit refers to the \$10,000 threshold.	Revise text to refer to the updated threshold. See PMC 21.50.060.G as renumbered.

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b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	If a jurisdiction has no existing FOWRs, no amendments are needed.	No Action needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The SMP does not outline the SMP appeal process.	No Action needed.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	The SMP Critical Areas Code does not include this.	Include reference to federal wetland delineation manual and applicable regional supplements in the critical areas code in the SMP. (Address in PMC 23.20.010.)
b.	Ecology adopted rules for new commercial geoduck aquaculture .	If a local government has no saltwater shorelines, no SMP amendments are needed.	No Action needed.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Local governments without floating homes need not amend their SMP to address this statute.	No Action needed.
d.	The Legislature authorized a new option to classify existing structures as conforming .	This law is optional. It is one way local government can address existing development.	No Action needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	The Pacific SMP at 21.20.020 references its GMA critical areas regulations and makes exceptions to the provisions to better meet Shoreline Management Act requirements.	Updates to the critical areas regulations that pertain to wetlands within shoreline jurisdiction are needed with the SMP Periodic Review.
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.	Incorporated into 2013 SMP.	Update to reflect only the 13 SDP exemptions identified by RCW 90.58.030.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Incorporated into 2013 SMP.	No Action needed.

Row	Summary of change	Review	Action
c.	The Legislature added moratoria authority and procedures to the SMA.	Incorporated into 2013 SMP.	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 into 2013 SMP.	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.	If a jurisdiction has identified any new streams or lakes since the comprehensive update, the lists and maps should be updated.	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.	Incorporated into 2013 SMP.	No Action needed.