

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist: 2021 version

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). The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology rules that define the procedures for conducting these reviews include a requirement to use this checklist to ensure a successful review ([WAC 173-26-090](#)). By filling out this checklist, the local government is demonstrating compliance with the minimum scope of review requirements of WAC 173-26-090(2)(d)(ii). The checklist is organized into two parts.

Part One is used to identify how the SMP complies with current state laws, rules and guidance. This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments.

Part Two is used to document local review to ensure the SMP is consistent with changes to the local comprehensive plans or development regulations, and to consider changes in local circumstances, new information or improved data. As part of this periodic review the local government should include consideration of whether or not the changes warrant an SMP amendment.

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.

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). Ecology recommends reviewing all items on the checklist.

Use the **action column** as a final summary identifying your final action taken to address the identified change in state law, rule or guidance. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b). This will likely include one of the following:

- Amendment proposed (include code citation);
- No amendment needed; or
- Not applicable.

Example

Row	Summary of change	Review	Action
2017a	OFM adjusted the cost threshold for substantial development to \$7,047.	21A.25.290B refers to the statutory thresholds, as amended by OFM.	No amendments needed.

For more information

Coordinate with [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
AHBL, Inc.	Montesano, WA	8/17/2022

Part One: State laws, rules and guidance review

Part One is used to demonstrate compliance with WAC 173-26-090(2)(d)(i)(A). This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments during periodic reviews.*

Row	Summary of change	Review	Action
2021			
a.	The Legislature amended floating on-water residences provisions	Floating homes are not allowed in Montesano (2016 SMP p.62).	Not applicable.
b.	The Legislature clarified the permit exemption for fish passage projects	Section 7.04.04 references WAC 173-27-040 for exemptions. WAC 173-27-040 includes this exception.	No action needed.
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Section 1.06.02(C) says that the city will review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.030.	No action needed.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	The cost threshold is outdated in the 2016 SMP. Cost threshold should be updated in SMP Section 8 – Definitions.	Updated threshold to \$8,504 (the value effective July 1, 2022 per OFM filing with the State Register).
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	The existing definition for “development” in the 2016 SMP does not include this clarification. The definition should be updated according to the language in the checklist guidance.	Updated the definition of “development” according to the language in the checklist guidance.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The 2016 SMP does not include these exceptions. Section 1.05 should be updated according to checklist guidance.	Updated Section 1.05 to include item “F”, which outlines the exceptions to local review.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	The 2016 SMP includes “date of filing” instead of “date of receipt” for shoreline permits sent to Ecology, as required.	No action needed.

Row	Summary of change	Review	Action
		<p>The 2016 SMP includes requirement for simultaneous filing of Substantial Development, Conditional Use Permits, and/or variances in Section 7.02.03(A).</p> <p>The 2016 SMP does not go into detail into permit procedures so no review is needed to ensure consistency with required permit procedures in RCW 90.58.140(6).</p>	
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 2016 SMP includes relevant information but could be updated for further clarity (Section 5.09.02).	Added language from the checklist guidance to Section 5.09.02 to improve clarity.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	There are no relevant lands in Montesano.	No action needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	The 2016 SMP does not include separate definitions for nonconforming use, nonconforming development/structure, and nonconforming lot. However, these changes are optional because the 2016 SMP includes provisions to address nonconforming uses.	No action needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Section 7.04.04 references WAC 173-27-040 for exemptions. WAC 173-27-040 includes this exception.	No action needed.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The 2016 SMP Appendix 2 includes the current wetland ratings and buffers guidance.	No action needed, however we recommend further study.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of	This is not included in the 2016 SMP. Checklist guidance says it is not necessary to include in the	Added language from the checklist guidance to Section 7.03.

Row	Summary of change	Review	Action
	Transportation (WSDOT) projects.	SMP and reference is optional.	
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The 2016 SMP does not include SMP appeal procedures. Checklist guidance says that no change is necessary if SMP appeal process is not outlined.	No action needed.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	The 2016 SMP includes the required language, as defined in the checklist guidance.	No action needed.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Montesano has no saltwater shorelines, so no SMP amendments are needed.	Not applicable.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Floating homes are not allowed in Montesano (Section 5.07.02(B)(8)).	Not applicable.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	Section 7.07 of the SMP classifies existing residential structures and appurtenances located landward of the OHWM and outside the floodway that do not meet the SMP standards as conforming.	No action needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	2016 SMP includes a separate appendix for critical areas and shoreline areas.	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.	Section 6.06.02 of the SMP references these procedures.	No action needed.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Section 2.06.08(E)(b) allows credits from a state certified wetland mitigation bank to be used as mitigation.	No action needed.

Row	Summary of change	Review	Action
c.	The Legislature added moratoria authority and procedures to the SMA.	The 2016 SMP does not include the moratoria procedures. The checklist guidance says that adding them is not necessary.	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.	Section 1.06.01 includes floodways as areas established by FEMA. The definition of "floodway" in Section 8 also references areas established in effective FEMA flood insurance rate maps or floodway maps.	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.	The 2016 SMP includes a list of waterbodies subject to the SMP (Section 1.06) and a map of the waterbodies and shoreline environment designations (Appendix 1).	No action needed.

* See additional considerations for Ocean Management within Ecology's Ocean Management Checklist and associated guidance for using the Ocean Management Checklist. This checklist and guidance summarizes state law, rules and applicable updated information related to Ocean Resources Management Act (ORMA) and the Washington State Marine Spatial Plan (MSP). All jurisdictions with coastal waters must implement ORMA and the MSP applies to all jurisdictions that overlap with the MSP Study Area. Clallam County, Jefferson County, Grays Harbor County, Pacific County, Ilwaco, Long Beach, Raymond, South Bend, Cosmopolis, Ocean Shores, Hoquiam, Aberdeen, Westport need to plan for ocean uses consistent with ORMA and the MSP and should be using the Ocean Management Checklist in addition to this Periodic Review Checklist.

Part Two: Local review amendments

Part Two is used to demonstrate compliance with WAC 173-26-090(2)(d)(ii). This checklist identifies changes to the local comprehensive plans or development regulations, changes in local circumstances, new information or improved data that may warrant an SMP amendment during periodic reviews.

Changes to Comprehensive Plan and Development regulations

Question	Answer		Discussion
Have you had Comprehensive Plan amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Have your had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	We reviewed the following: ORD 1601 ORD 1602 ORD 1609 ORD 1612 ORD 1621 ORD 1631
	<input checked="" type="checkbox"/>	No	
Has your Critical Areas Ordinance (CAO) been updated since the SMP comprehensive update? If yes, are there changes that trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	The CAO for the city is in need of an update (last amended in 2010).
	<input checked="" type="checkbox"/>	No	
Are CAO provisions incorporated by reference (with ordinance # and date) into your SMP? If yes, is it the current CAO or a previous version?	<input type="checkbox"/>	Yes	The SMP has an appendix (Appendix A) which regulates critical areas within Shoreline Jurisdiction.
	<input checked="" type="checkbox"/>	No	
Has any new shoreline area been annexed into your jurisdiction since your SMP was updated? If yes, were these areas pre-designated?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Other	<input type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP for consistency with amendments to the Comprehensive Plan and Development regulations. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
N/A			

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules

Changes to local circumstance, new information, or improved data

Question	Answer		Discussion
Has your jurisdiction experienced any significant events, such as channel migration, major floods or landslides that impacted your shoreline and could trigger a need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	The Chehalis River is moving along the Highway 107 area.
	<input type="checkbox"/>	No	
Have FEMA floodplain or floodway maps been recently updated for your jurisdiction? If your SMP extends shoreline jurisdiction to the entire 100-year floodplain, has FEMA updated maps that trigger a need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	FEMA floodplain maps were updated in 2020. AHBL investigated the changes and found that the FEMA updated maps do not trigger any changes needed for the shoreline jurisdiction / SED mapping.
	<input type="checkbox"/>	No	
Have you issued any formal SMP Administrative Interpretations that could lead to improvements in the SMP?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Are there any Moratoria in place affecting development in the Shoreline?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Have staff identified the need for clarification based on implementation or other changes? e.g., modifications to environment designations, mapping errors, inaccurate internal references.	<input checked="" type="checkbox"/>	Yes	There were some edits to provide clarification or to correct typographical errors.
	<input type="checkbox"/>	No	
Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	<input checked="" type="checkbox"/>	Yes	We added references to specific ordinances for external references to Montesano Municipal Code so that the codes as approved at the time of SMP adoption/ Approval shall apply (and not future changes, where applicable).
	<input type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP to address changes to local circumstances, new information, or improved data. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
3.02.02 (A)(4)	City requests that instead of Urban Conservancy being assigned where unclear boundaries or designations exist / where unmapped....that instead the most applicable or neighboring designation be used.	TBD	Flagging for Discussion with Ecology
4.04.02(D)(1)	City proposes to delete: "Uses and activities outlined in SMP Appendix 2: Section 2.06.05: Regulated Activities, when consistent with all other applicable provisions of the SMP."	TBD	Flagging for Discussion with Ecology
4.05	We listed the city's Flood Damage Prevention Code which previously had not been listed out.	N/A	The amendment does not conflict with SMA or rules
7.04.01	Word added to phrase: "[public hearing required if] One or more interested persons has submitted to the Shoreline Administrator, within 15 days of the final publication of notice of the application, a written request for a public hearing together with a <u>valid</u> statement of the reasons for the request"	N/A	The amendment does not conflict with SMA or rules; the city does not want statements based on frivolous information to impede the permitting process where unwarranted.
7.04.01	Changed threshold amount: "[public hearing required if] The estimated total cost of the proposed development exceeds \$500,000 \$1,000,000 "	N/A	We are not aware of any SMA rule or guidance that prevents the city from making this change.
7.04.04 (F)	Removed phrase "Exemptions shall be construed narrowly" as the following sentence is adequately specific: "Only those developments that meet the precise terms of one or more of the exemptions listed in WAC 173-27-040 may be granted exemptions from the substantial development permit process."	N/A	We are not aware of any SMA rule or guidance that prevents the city from making this change.
7.07 (B)	Added citation for MMC Chapter 17.45 (Ordinance number and year)	N/A	We understand that the SMP must provide such specific documentation.

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
7.08.03	Removed “If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.”	Unknown	We don't expect that the SMA says the SMP can direct the Court on what to do.
8.02	Revised definition for Fish and Wildlife Habitat Conservation Areas	RCW 36.70A.030	We changed the definition in the City's SMP to match the RCW.
8.02	Revised definition for Geologically Hazardous Areas	RCW 36.70A.030 (10)	We changed the definition in the City's SMP to match the RCW.
8.02	Revised definition for Isolated Wetlands	N/A	Updated per changes from an Ecology guidance document
8.02	Revised definition for Mature and Old-Growth Forested Wetland	N/A	Updated per changes from an Ecology guidance document
8.02	Revised definition for Native Vegetation	N/A	Updated per changes from an Ecology guidance document
8.02	Revised definition for Priority Species, Endangered Species, Listed Species, etc.	N/A	We removed WAC citations (they are no longer used)
App-1	Changes to the Shoreline Environmental Designations Map	N/A	As coordinated with Ecology
App-2 2.06.06	Updates to wetland buffers (various)	N/A	Suggested updates are per updates, new Ecology Guidance document (ECY PUB 16-06-001 and --002)
App-2 2.06.08 (E)	Listing of types of Compensatory Mitigation is added	N/A	To be verified
App-2 2.12.03	Removed discussion of Bald Eagle	N/A	N/A (Bald Eagles have been delisted)