

## 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
Emily Weimer, AHBL Inc.	Adams County	11/10/2022 Updated 2/20/22

## 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
<b>2021</b>			
a.	The Legislature amended <b>floating on-water residences</b> provisions	<i>No Amendment Necessary:</i>  The Adams County Code does not allow FOWRs.	None needed.
b.	The Legislature clarified the permit exemption for <b>fish passage projects</b>	<i>No Amendment Necessary:</i>  ACC 18.08.925 cites the relevant statute (RCW 90.58.147) for exemptions.	None needed.
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	<i>No Amendment Necessary:</i>  ACC 18.08.925 cites the relevant statute (WAC 173-20-040 & RCW 90.85.030(3)(e)).	None needed.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	<b>Amend the SMP:</b>  ACC 18.08.200 (Definitions) "Substantial development"  Update ACC 18.08.200 (Definitions) "Substantial development" to <b>\$8,504</b> which is now the current amount (as of Spring 2022).	Updated.
b.	Ecology permit rules clarified the <b>definition of "development"</b> does not include dismantling or removing structures.	<b>Amend the SMP:</b>  Update ACC 18.08.200 "Development" to specify that it does not include dismantling or removing structures.	Updated.

Row	Summary of change	Review	Action
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	<p><b>Amend the SMP:</b></p> <p>Add language to ACC 18.08.030(B) Applicability. The new language would include the following three exceptions with example language provided by Ecology in <a href="https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2021-2023/Periodic%20Review%20Checklist%20Guidance%202021.docx">https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2021-2023/Periodic%20Review%20Checklist%20Guidance%202021.docx</a></p> <ul style="list-style-type: none"> <li>• Remedial actions.</li> <li>• Boatyard improvements to meet NPDES permit requirements.</li> <li>• WSDOT facility maintenance and safety improvements.</li> <li>• Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</li> <li>• Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.</li> </ul> <p>The County may choose to add other minor actions that do not require local review to this section as well.</p>	Updated.
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	<p><b>Amend the SMP:</b></p> <p>Amend ACC 18.08.940 &amp; 18.08.960 to reflect the changes in state law, including terminology.</p>	Updated.
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest	<i>No Amendment Necessary:</i>	

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
	practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Adams County does not have significant commercial forestry along shorelines and this amendment is not necessary.	
<b>f.</b>	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	<i>No Amendment Necessary:</i> ACC 18.08.030 (E)(3) includes the Columbia Basin Irrigation project.	None needed.
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	Amend the SMP:  Amend ACC 18.08.310 to be consistent with Ecology’s definitions	Updated.
<b>2016</b>			
<b>a.</b>	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	<i>No Amendment Necessary:</i> ACC 18.08.925(G) lists out the relevant WAC and RCW.	None needed.
<b>b.</b>	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	<i>No Amendment Necessary:</i>  The SMP cites the updated Wetland Rating System and it does not appear to require any other amendments.	None needed.
<b>2015</b>			
<b>a.</b>	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	<i>Optional SMP Amendment:</i>  The SMP does not include language regarding permitting of WSDOT projects. Ecology’s guidance says that it is not necessary to include these provisions, but a reference could help ensure SMPs are implemented consistent with the statute.  Should the County decide to add language to the SMP for this purpose, there is suggested language in <a href="https://fortress.wa.gov/ecy/ez">https://fortress.wa.gov/ecy/ez</a>	None needed.

Row	Summary of change	Review	Action
		<a href="#">share/sea/ShorelinePlannerToolbox/2021-2023/Periodic%20Review%20Checklist%20Guidance%202021.docx</a>	
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	<i>No Amendment Necessary:</i>  The SMP does not outline the SMP appeal process.	None needed.
<b>2011</b>			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	<i>No Amendment Necessary:</i>  ACC 18.08.660(C)(2) uses the Washington State Department of Ecology wetland rating system.	None needed.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	<i>No Amendment Necessary:</i>  There are no saltwater shorelines in Adams County.	None needed.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	<i>No Amendment Necessary:</i>  There are no floating homes in Adams County.	None needed.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	<i>No Amendment Necessary:</i>  The SMP includes the updated language in ACC 18.18.850.	None needed.
<b>2010</b>			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	<i>No Amendment Necessary:</i>  The SMP was updated in 2016 and includes the updated language.	None needed.
<b>2009</b>			
a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.	<i>No Amendment Necessary:</i>  The new rule is incorporated into ACC 18.18.770(F).	None needed.

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>b.</b>	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	<i>No Amendment Necessary:</i>  The new rule is incorporated into 18.08.660(H)(13).	None needed.
<b>c.</b>	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	<i>Optional SMP Amendment:</i>  The SMP does not currently contain information about moratoria authority. Ecology's guidance is that it is not necessary to include the language because local governments can simply rely on the statute.  If Franklin County elects to add language regarding moratoria authority, example language is provided by Ecology in the checklist guidance document.  <i>AHBL Recommends no changes, since the was updated in 2016, after this legislation was passed.</i>	None needed.
<b>2007</b>			
<b>a.</b>	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	<i>No Amendment Necessary:</i>  Floodway is defined in ACC 18.08.200 consistent with the two definitions.	None needed.
<b>b.</b>	Ecology amended rules to clarify that <b>comprehensively updated SMPs shall include a list and map of streams and lakes</b> that are in shoreline jurisdiction.	<i>No amendment Necessary:</i>  The list and map of streams and lakes will not change since the last amendment.	None 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	The Comprehensive Plan was last amended in 2015.
	<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	Chapter 15.16 FLOOD DAMAGE AND PREVENTION was amended in 2021. There are no conflicts.
	<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 Critical Areas Ordinance, Chapter 18.06 was last updated in 2008.
	<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 checked="" type="checkbox"/>	Yes	The regulations are incorporated in ACC 18.08.050.
	<input 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	N/A
	<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

### 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 type="checkbox"/>	Yes	None known.
	<input checked="" 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 type="checkbox"/>	Yes	
	<input checked="" 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 type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	<input type="checkbox"/>	Yes	None known.
	<input checked="" 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 date. 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
<b>Throughout</b>	Updated Adams County Code references as needed and added references	N/A	
<b>Maps</b>	Reproduced maps with new aerial imagery. No change to shoreline jurisdiction nor environmental designations.	N/A	Provides the newest imagery.
<b>18.08.200</b>	Add definitions of <ul style="list-style-type: none"> <li>“anadromous fish”;</li> <li>“bog”;</li> </ul>	<ul style="list-style-type: none"> <li>WAC 365-195-925;</li> <li>Ecology publication #12-06-29;</li> </ul>	Update definitions in order to align with WAC or Ecology guidance

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	<ul style="list-style-type: none"> <li>• “landward”;</li> <li>• “shoreline management buffer”</li> </ul> “wetlands, forested”	<ul style="list-style-type: none"> <li>• N/A</li> <li>• N/A</li> </ul> N/A, per Ecology guidance	
<b>18.08.200</b>	Removed definitions of “basement,” “building setback,” “creeks,” “critical facility,” “diversity (ecological),” “elevated building,” “floating home,” “outcrop,” “vernal pools,” “wetlands mosaic”		Terms not used in the Chapter
<b>18.08.200</b>	Removed extraneous information from the definition of “ecological functions”		Extra information not necessary
<b>18.08.200 &amp; 18.08.650</b>	Amended the definition of “fish and wildlife habitat conservation areas” to align with RCW; Amended the definition to align with WAC	RCW 36.70A.030; WAC 365-190-130	Update in order to align with RCW
<b>18.08.200</b>	Amended definition of “native vegetation” per Ecology guidance		Update in order to align with Ecology guidance
<b>18.08.200</b>	Amended definition of “priority species” to remove outdated WAC reference	WAC 220-610-010	Update in order to align with WAC
<b>18.08.320(B)(1)</b>	Added considerations of ecologically intact areas from WAC	WAC 173-26-201(2)(d)	Update in order to align with WAC
<b>18.08.400</b>	Added the 4 environmental designations pursuant to RCW	Chapter 90.58 RCW	Add reference to RCW and provide background to county’s four environmental designations
<b>18.08.650(B)(2)</b>	Added the Columbia Sharp-tailed Grouse to the list of species that	WAC chapter 232-12	Update in order to increase awareness of the State protected species

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	may occur in Adams County shoreline		
<b>18.08.765(B)</b>	Clarified that single family residences are a preferred use when it is developed according to SMP provisions	RCW 90.58.020	Implement the RCW
<b>18.08.971</b>	Added that SMP amendment proposals may alternatively be processed through a joint review process with Ecology	WAC 173-26-104	Implement the WAC
<b>18.08.975</b>	Removed the requirement that the County prepares a no net loss report every 8 years, and if there is degradation of the baseline condition, changes to the SMP and/or shoreline restoration plan shall be proposed		This is not a requirement and there are other sections of the SMP (18.08.520, 18.08.330) with no net loss of ecological function