

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

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). 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 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 2019 that may trigger the need for local SMP amendments during periodic reviews.

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.

At the **beginning of the periodic review**, 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).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where No amendments needed 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.

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 Jurisdiction: Clark County, WA
 Date: 7/21/20

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Cost threshold is in Clark County Code (CCC) 40.460.230(B)(8). Does not match updated OFM cost threshold.	Code amendment needed in CCC 40.460.230(B)(8) to reflect updated cost threshold.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (applies to 9 jurisdictions)	Not applicable to Clark County.	No amendments needed.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	CCC 40.460.230(B)(15) and 40.460.640(E)(7) reference RCW 77.55.181 in regards to fish habitat enhancement projects.	No amendments needed.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Cost threshold is listed in CCC 40.460.230(B)(1) and 40.460.800 and is consistent with current OFM amount.	No amendments needed.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	The definition of development in CCC 40.460.800 is consistent with the definition of development in WAC 173-27-030(6).	No amendments needed.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	CCC 40.460.220(C) is consistent with WAC 173-27-044 and 173-27-045.	No amendments needed.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	CCC 40.460.800 Definition Table includes a definition for date of filing that is consistent with WAC 173-27-130 and RCW 90.58.140(6). CCC 40.460.710(E) addresses filing procedures with Ecology but does not include the clarification that local permit	Amend CCC 40.460.710(E) to include clarification that local permit decisions shall be submitted to Ecology by return receipt requested mail.

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		decisions shall be submitted to Ecology by return receipt requested mail.	
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.	CCC 40.460.630(E)(2) is consistent with WAC 173-26-241.	No amendments needed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Addressed in CCC 40.460.220(B)(1).	No amendments needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	CCC 40.460.250 includes provisions for nonconforming uses and development.	No amendments needed.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	CCC does not have a section outlining the scope and process for periodic reviews. The SMP references periodic review timelines and procedures through reference in CCC 40.460.710(B). This item is not required by the state.	No amendments needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	CCC 40.460.710(B)(1) references the optional SMP amendment process in WAC 173-26-104.	No amendments needed.
j.	Submittal to Ecology of proposed SMP amendments.	CCC 40.460.710(F) references Chapter 173-26 WAC provisions regarding SMP amendments.	No amendments needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Addressed in CCC 40.460.230(B)(17).	No amendments needed.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The wetland rating system is addressed in CCC 40.460.530(G) and 40.460.530(B)(5) through reference to CCC 40.450 Wetlands. CCC 40.450.020	Amendment needed to add reference to Ordinance 2019-03-05 in CCC 40.460.530(B), which amended the wetland critical areas code and revised buffer standards.

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		<p>and .030(E) address wetland rating.</p> <p>The revised buffer standards were updated in CCC 40.450 through ordinance 2019-03-5 and need to be incorporated into the SMP.</p> <p>The 2014 wetlands rating system was addressed in CCC 40.450.020 through ordinance 2014-12-05.</p> <p>Additional changes in response to the the 2016 wetland guidance include: addition of buffer table to be used if minimizing measures are not used. This is addressed in 40.450.030(E).</p> <p>Further alignment with the 2014 rating system and 2016 guidance is addressed through additional proposed amendments.</p>	<p>Additional amendments needed for guidance alignment and clarification: 40.450.030(D)(2), 40.450.030(E), 40.450.040(C), Table 40.450.040-2, 40.450.040(D)(6), 40.460.530(G)</p> <p>40.450.030(D)(2) amendments will clarify wetland delineation information requirements.</p> <p>40.450.030(E) amendments will clarify how buffer widths are established and update the adjusted buffer width section.</p> <p>40.450.040(C) corrects the habitat function score rating higher than five in regards to habitat corridor buffer standards and adds a reference regarding other activities in a buffer so the section is more comprehensive.</p> <p>40.450.040-2 clarifies the table heading for ratios for preservation of Category I and II Wetlands.</p> <p>40.450.040(D)(6) updates the wetland buffers required for mitigation text.</p> <p>40.460.530(G) amendments revise wetland buffer width standards, wetland buffer reductions, and avoidance, minimization and mitigation sequence code. Additional</p>

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			amendments in this code section amend stormwater facility standards, mitigation ratio standards, wetland buffer reduction standards, and alternate wetland mitigation options.
2015			
	a. The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Addressed in CCC 40.460.725(l).	No amendments needed.
2014			
	a. The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Addressed in CCC Table 40.460.620-1, 40.460.630(K)(3), 40.460.630(K)(11) and (13), and 40.460.800. Community Development staff have requested clarifying language that addresses the possibility of relocation of on-water residences.	Amendment needed to add on-water residences to CCC 40.460.250(B)(7) to clarify that legally established on-water residences are considered a conforming use. Also, add clarifying language to CCC 40.460.630(K)(11) and (13) to address the possibility of relocation of on-water residences.
2012			
	a. The Legislature amended the SMA to clarify SMP appeal procedures .	The Clark County SMP does not have language addressing the SMP appeal procedures, only permit appeals. This item is not required by the state.	No amendments needed.
2011			
	a. Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Addressed in CCC 40.460.530(G)(d) and 40.100.070.	No amendments needed.
	b. Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable in Clark County.	No amendments needed.
	c. The Legislature created a new definition and policy for floating homes permitted or legally	Addressed in: 40.460.250(B)(7), Table 40.460.620-1,	Amendment needed to correct reference in CCC 40.460.250(B)(7).

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	established prior to January 1, 2011.	40.460.630(K)(11), 40.460.630(K)(12), and 40.460.800. Incorrect reference in 40.460.250(B)(7). County staff have requested clarifying language that addresses the possibility of relocation of floating homes.	Also, add clarifying language on floating homes to address possibility of relocation in CCC 40.460.630(K)(11) and (12).
d.	The Legislature authorizing a new option to classify existing structures as conforming.	The Clark County SMP does not use this option. The SMP clarifies existing rights and allowances for nonconforming use and development in CCC 40.460.250.	No amendments needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Addressed in CCC 40.460.190 and 40.460.530.	No amendments 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.	Addressed in CCC 40.460.220(A)(3) and 40.460.510(K). County staff have requested clarity on the specifics for granting relief.	Amend CCC 40.460.220(A)(3) and 40.460.510(K) to clearly point to WAC 173-27-215 for criteria and procedures for implementation.
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Addressed in CCC 40.460.530.G(3)(d)(2) and 40.460.530.G(3)(j).	No amendments needed.
c.	The Legislature added moratoria authority and procedures to the SMA.	Not in CCC. This item is not required by the state.	No amendments 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.	Addressed in CCC 40.460.800	No amendments 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.	Addressed in CCC 40.460.210(B) and the SMP map. Carty Lake is missing from the official SMP map, but is listed in CCC.	Amendment needed to add Carty Lake to the official SMP map.

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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.	Addressed in CCC 40.460.230(B)(15), 40.460.230(C)(1), and 40.460.640(E)(7).	No amendments needed.

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

Row	Summary of change	Review	Action
Comp. Plan	Comprehensive Plan Chapter 13 Text	Outdated background text and scrivener’s error in introductory text in Comprehensive Plan Ch. 13.	Amendment needed to revise Comp. Plan Ch. 13 text to update outdated text and to correct scrivener’s error.
Comp. Plan	Comprehensive Plan Appendix Updates	Appendix B is the figure appendix of the Comprehensive Plan and the SMP designation map is not included. Appendix H includes the Clark County Legislative History of the Comprehensive Plan. Adoption of any of the above-proposed amendments to the Comprehensive Plan will need to be added to the legislative history table in this appendix.	Amendment needed to add the shoreline designations map to Comprehensive Plan Appendix B. Also, add the ordinance number, adoption date, and nature of the amendments in Appendix H.
Comp. Plan	Comprehensive Plan Integration with other plans text	In the Introduction of the Clark County Comprehensive Plan, there is a section called <i>Integration with other plans</i> . This list of associated documents includes the Shoreline Master Program. With this update, the list will become out of date.	The proposed change would remove the Shoreline Master Program from this list since the program is fully integrated into the Comprehensive Plan and development regulations.

Row	Summary of change	Review	Action
Map	Map update to reflect new Washougal River FEMA maps	New FEMA maps became effective January, 2018. Text amendment was part of 2018 SMP amendment, but didn't include update to shoreline maps.	Amendment needed to update SMP official map to incorporate current FEMA maps.
Map	Map update to revise shoreline jurisdiction near Lacamas Lake	A portion of the 100-year floodplain is missing from the shoreline jurisdiction map near Lacamas Lake.	Amend the shoreline map to incorporate the current FEMA 100-year floodplain extent along Lacamas Lake.
Map	Some of the wetlands associated with Shanghai Creek are included on the shoreline map, but Shanghai Creek is not a shoreline of the state.	New data and information from on-site visits indicates that some wetlands on the shoreline map are not actually wetlands associated with a shoreline waterbody and are, therefore, not technically part of shoreline jurisdiction.	Amendment recommended to remove wetlands near Shanghai Creek that are not considered shoreline of the state associated wetlands and are not in shoreline jurisdiction.
Map	Constituent requested an update to the shoreline designation map based on new site-level data.	Company collected detailed data near the confluence of the Lewis and Columbia Rivers as they work to establish a conservation and wetland mitigation bank in the area. They have requested updates to the shoreline designation map based on the new data.	Amendment recommended to update the shoreline designation map near the confluence of the Lewis and Columbia Rivers based on additional available information to improve shoreline map accuracy.
Map	Constituent requested the county use current DNR water feature labels on the updated shoreline map.	Constituent shared information on Mill Pond being recognized by the DNR as a waterbody effective in 2013. Mill Pond is not within county jurisdiction but highlights need to ensure map data layers are current.	When updating the shoreline map, use current DNR water feature layer and labels to ensure map is current.
Clark County Code	Clarify recreational uses language to allow for boat ramps in a floodway.	The Recreational Uses code as currently written does not allow most structures in a floodway, but some structures such as boat ramps need to be located within a floodway.	Amendment needed to 40.460.630(J)(5) to allow for boat ramps to be located within a floodway.

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Clark County Code	Current critical areas ordinances are incorporated and referenced in the Shoreline Master Program.	<p>The Critical Areas Ordinance reference dates in CCC 40.460.530 don't include the date for the current ordinance, but rather older versions.</p> <p>Also, an audit of the SMP critical areas ordinances shows that the most recent ordinance number is not current for each of the critical areas.</p>	Amendment needed to CCC 40.460.530(B) and (C) to update ordinance references.
Clark County Code	Priority habitats and species	The text in both the Shoreline Master Program and Habitat Conservation Sections of Clark County Code could be more clear in regards to what is included in "Other Priority Habitats and Species Areas (PHS)." Also, the best available science habitat conservation code section does not list the current version of the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species List and Map and Management Recommendations.	Amendments needed to CCC 40.440.010(C)(1)(b); CCC 40.440.010(C)(2) and (3); CCC 40.460.530(F), to improve code clarity and update the current best available science documents on this topic
Clark County Code	Aquaculture	A constituent proposed mentioning a 2018 law regarding net pen aquaculture, RCW 77.125.050. The law prohibits marine net pen aquaculture activities for nonnative finfish species unless these activities are performed under a lease of state-owned aquatic lands in effect on June 7, 2018.	Amendment needed to CCC 40.460.630(B)(13) that would add reference to the 2018 law.

Row	Summary of change	Review	Action
Clark County Code	Shoreline Management Review Committee (SMRC)	<p>The county has run into issues with reorganization of county departments such that two of the three Shoreline Management Review Committee (SMRC) members are now in the same department (the Public Works Director and the Parks and Land Manager are both part of Public Works). This proposal would revise the make-up of the SMRC to be more flexible if additional county reorganizations happens in the future, and to ensure that members of the SMRC are not in the same department.</p> <p>Also related to the SMRC, an amendment is proposed to help streamline SMP projects with a concurrent Type III land use action. Since the Type III land use action will go before the Hearing Examiner for a determination pursuant to Section 40.510.030, the SMRC authority granted in CCC 40.460.710(A)(3) can be ceded to the Hearing Examiner in these cases so that a separate SMRC process is not necessary in addition to the Hearing Examiner process, and instead, the two processes can be merged.</p>	Amendments needed to CCC 40.460.710(A)(2) and CCC 40.460.710(A)(5)
Clark County Code	Shoreline map location	Revisions are proposed in multiple places throughout the SMP related to where to find a copy of the Shoreline Map, to make this more clear.	Amendments needed to CCC 40.460.210(A) CCC 40.460.430(B)(3), (C)(3), (D)(3), (E)(3), (F)(3), (G)(3), (H)(3), and, CCC 40.460.440(B)