

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: 1/16/20

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). SMP does not outline details of the permit filing process. Section 40.460.720 CCC Permit Submittal	Procedural change, informed implementation staff of requirement. No amendments needed.

Row	Summary of change	Review	Action
		Requirements says “The Shoreline Administrator shall provide written informational materials, procedures, instructions, and forms, required to submit an application for a shoreline substantial development permit, variance, or conditional use permit.”	
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 does not have a procedure on the SMP submittal process to the Department of Ecology. This item is not required by the state.	No amendments needed.
2016			
a.	The Legislature created a new shoreline permit exemption for	Addressed in CCC 40.460.230(B)(17).	No amendments needed.

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	retrofitting existing structure to comply with the Americans with Disabilities Act .		
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(B) through reference to CCC 40.450 Wetlands. The revised buffer standards were updated in CCC 40.450 through ordinance 2019-03-5 and need to be incorporated into the SMP.	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.
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(I).	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)(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	Not applicable in Clark	No amendments needed.

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	commercial geoduck aquaculture .	County.	
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Addressed in: 40.460.250(B)(7), Table 40.460.620-1, 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.	Amendment needed to correct reference in CCC 40.460.250(B)(7). 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.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
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.
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.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
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.
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.

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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.
Clark County Code	Current critical areas ordinances are incorporated and referenced in the Shoreline Master Program.	The Critical Areas Ordinance reference dates in CCC 40.460.530 don't include the date for the current ordinance, but rather older versions. Also, an audit of the SMP critical areas ordinances shows several are missing.	Amendment needed to CCC 40.460.530(B) and (C) to fill in missing ordinances by reference.