

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 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.

Prepared By	Jurisdiction	Date
Joseph Calhoun – City of Yakima Amy Summe – Shannon & Wilson Lisa Grueter - BERK	City of Yakima	May 2021

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	YMC 17.13.050 references the exemptions in the WAC without duplication in the SMP.	No change needed.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable. There are no approved open water disposal sites in the City.	No change needed.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	YMC 17.13.050 references the exemptions in the WAC without duplication in the SMP.	No change needed.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	YMC 17.13.050 references the exemptions in the WAC without duplication in the SMP.	No change needed.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	YMC 17.01.090 “Development” does not include this optional language. Even if not added to the SMP explicitly, it still applies.	Added “Dismantling or removing structures if there is no other associated development or re-development” to the list of activities in the definition that do not constitute development.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	SMP 17.01.020.C states that all uses and development occurring within shoreline jurisdiction must comply with the SMP “[u]nless specifically exempted by statute...” These exemptions are referenced in SMC 17.13.050 and listed in WAC 173-27-040. However, the SMP does not include a section that specifically states	Added a new section 17.01.20.D that identifies activities excepted from local shoreline review and permits.

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		that there are activities that are not subject to local review or permits. The statutory exceptions apply whether or not they are stated in the SMP.	
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	The YMC still uses “date of receipt” in 17.13.090.D, 17.13.100A, 17.13.120E, 17.13.130G.1	Changed “date of receipt” to “date of filing” and updated the meaning of “date of filing” in 17.13.100A to reflect the definition in WAC 173-27-130(6).
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.	There is no forested in the City of Yakima or its UGA.	No action needed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	YMC 17.01.020.B addresses application of the SMP to federal lands and appears consistent with the WAC.	Added Ecology’s recommended language: “Area and uses in those areas under exclusive federal jurisdiction as established through federal or state statues are not subject to the jurisdiction of Chapter 90.58 RCW.”
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Chapter 17.11 YMC contains the City’s customized provisions governing existing and nonconforming uses and development.	No change needed.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	17.13.140 generally addresses amendments and adopts provisions of the RCW and WAC that relate to amendments and review processes. However, WAC 173-26-090 is not specifically included to address the standard process for periodic reviews.	Added a reference to WAC 173-26-090 to specifically include the review process for periodic reviews.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows	17.13.140 generally addresses amendments and adopts provisions of the RCW and WAC that relate to	Added a reference to WAC 173-26-090 to specifically include the optional review process for periodic reviews.

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	for a shared local/state public comment period.	amendments and review processes. However, WAC 173-26-104 is not specifically included to address the optional process for periodic reviews.	
j.	Submittal to Ecology of proposed SMP amendments.	The YMC does not contain specific provisions enumerating the process for the submittal of proposed SMP amendments to Ecology. Instead it adopts by reference the appropriate sections of the WAC and RCW in YMC 17.13.140.	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 .	YMC 17.13.050 references the exemptions in the WAC without duplication in the SMP.	No change needed.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The SMP contains wetland regulations in YMC 17.09.040. Sections -040.D.2 and E.1 require use of Ecology’s latest wetlands rating system, although there is still a reference to the old system in YMC 17.09.010.Q.2.a. Subsequent amendments to Ecology’s science-based buffer recommendations have been made that are not integrated into this section. Specifically, rather than dividing the potential wetland rating habitat scores into 4 groups which each have an assigned buffer, Ecology has subdivided the habitat scores into three groups and adjusted the corresponding buffer widths accordingly. See https://fortress.wa.gov/ecy/publications/parts/1606002part1.pdf . Other applicable parts	Updated the old references to Ecology’s rating system that remains in YMC 17.09.010.Q.2.a and within YMC 17.09.040, including the general descriptions of categories in D.2. Amended buffer-related text and associated buffer width Tables 27.6-1 (Wetland Buffer Requirements if Table 27.6-2 Is Implemented and Corridor Provided) and 27.6-3 (Wetland Buffer Requirements if Table 27.6-2 Is NOT Implemented and Corridor NOT Provided) in YMC 17.09.040.E. to match Ecology’s science-based buffer recommendations in <i>Wetland Guidance for CAO Updates Eastern Washington Version</i> (Bunten and others, 2016).

Row	Summary of change	Review	Action
		of Ecology guidance have already been incorporated into these regulations.	Amended wetland mitigation-related provisions in YMC 17.09.040.F. to match Ecology’s recommendations in <i>Wetland Guidance for CAO Updates Eastern Washington Version</i> (Bunten and others, 2016) with some updates related to wetland preservation based on the recent joint guidance update (Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. October 2020. Draft Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 2). Washington State Department of Ecology Publication #20-06-010. Olympia, WA.). Flexibility for out-of-service-area use of banks added based on Ecology comments in another jurisdiction.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not contain this provision.	Ecology recommends inclusion of language regarding WSDOT review. Provision added as a new section YMC 17.13.115 in the Administrative and Enforcement chapter.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	YMC 17.07.110.D prohibits new floating residences and over-water residential structures. There are no existing structures.	No change needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The SMP does not contain SMP appeal procedures. However, the SMP contains a	Omitted reference to appeals of Ecology SMP approval as a duty of the Shorelines

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		definition of Shorelines Hearings Board, which includes hearing of SMP appeals as one of the duties of the board.	Hearings Board in the definition (YMC 17.01.090). Jurisdictions fully planning under the GMA would appeal an SMP approval to the Growth Management Hearings Board.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	YMC 17.09.010.Q.2.a requires wetland delineation using the approved federal wetland delineation manual and application regional supplements.	No change needed.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable.	No change needed.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	YMC 17.07.110.D prohibits new floating residences and over-water residential structures. There are no existing structures.	No change needed.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	This option was implemented in YMC 17.11.040.	No change needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Many of these clarifications are not applicable or relevant anymore or have been integrated into the SMP at the time of the comprehensive update in 2013.	No change 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.	YMC 17.07.120.H addresses potential for granting relief when a restoration project shifts the OHWM landward.	Added a reference to WAC 173-27-215 in addition to the existing reference to RCW 90.58.580.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Mitigation banking is addressed in YMC 17.09.010.P.14, and 17.09.040.G	As noted in the Action column for 2016.b, mitigation banking language updated in YMC 17.09.040.F.4.a and -F.6.

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c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not include moratoria procedures.	Adding specific moratoria authority is not required – no changes made.
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.	The definition of floodway in YMC 17.01.090 presents both options which allows applicant to use either depending on the availability of FEMA floodway mapping and/or better local information.	No change 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 list of shoreline waterbodies is in YMC 17.01.100. YMC 17.03.090.A incorporates the official Shoreline Jurisdiction and Environment Designations Map by reference.	No change 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.	YMC 17.13.050 references the exemptions in the WAC without duplication in the SMP.	No change 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.

SMP section	Summary of change
17.01.090 Definitions	<ul style="list-style-type: none"> • Added definitions of the following: <ul style="list-style-type: none"> ○ Fish and wildlife habitat conservation (WAC 365-190-130) ○ Fish and wildlife habitat conservation area (WAC 365-190-030) ○ Habitats of local importance (WAC 365-190-130) ○ Species of local importance (WAC 365-190-130) ○ Waters of the state (RCW 90.48.020) • Eliminated definition of "hydrologically related critical area" and "stream corridor" – replaced those terms throughout code as appropriate with wetlands and/or fish

SMP section	Summary of change
	<p>and wildlife habitat conservation area. [each instance not separately reported below]</p> <ul style="list-style-type: none"> • Updated definition of OHWM based on WAC 173-22-030 and RCW 90.58.030.
17.07.090.B Mining	Housekeeping changes to update code references and be more encompassing with respect to critical areas functions and values. [each instance of these type of changes not separately reported below]
17.09 Critical Areas	Minor edits throughout to improve consistency and clarity, update use of terms consistent with the definitions and critical area nomenclature, and correct typographical errors.
YMC 17.09.010.Q General provisions	<ul style="list-style-type: none"> • Q.1 - Added a requirement for discussion of federal, state or local management recommendations for species and habitat in FWHCA reports. • Q.5 – Added requirements for critical aquifer recharge area reports.
YMC 17.09.020 Flood hazard areas	Because the Shoreline Management Act requirements for protection of frequently flooded areas are embodied in the Flood Hazard Reduction regulations (YMC 17.05.060), the flood hazard areas regulations in YMC 17.09.020 have been omitted from this SMP and replaced with a reference to Part Four of YMC 15.27 (Flood Hazard Areas). These referenced regulations are not incorporated into the SMP, but still apply within shoreline jurisdiction. Part Four of YMC 15.27 will be revised based on recent feedback from Department of Ecology during an upcoming update of YMC 15.27.
YMC 17.09.030 Fish and wildlife habitat conservation areas	<p>A - This Purpose and Intent section and the regulations that follow targeted only hydrologically related critical areas, which eliminated the potential to provide appropriate levels of protection of upland habitats and species that require those upland habitats to support some part of their life cycle. Accordingly, text amended to address the full range of potential fish and wildlife habitats in the City, and to be consistent with updated definitions of this critical area type that were promulgated by WDFW and included in the WAC. Also, eliminated overlap with wetlands and flood hazard regulations.</p> <p>B - Modified this Protection Approach section for technical accuracy and to provide greater clarity of protection mechanisms.</p> <p>C and D – Changes made based on WAC 365-190-130(2). These code sections were reorganized to provide more consistency with the State’s classification of critical areas, and better balance the emphasis on aquatic <i>and</i> terrestrial species. Although the City’s code currently contains a process for designating species and habitats of local importance, this section of code has not been used. Instead, consistent with WDFW guidance, habitats and species of local importance are specifically named to include PHS minimally, and then the process for nominating additional species or habitats is included.</p> <p>F – Water typing system updated to address all waters, not just streams, and to be more consistent with WAC 222-16-031.</p> <p>G – Omitted wetland rating system as it is addressed in the wetland section, YMC 17.09.040.</p> <p>O – Updated the water type buffers to match the 2017 critical areas regulations update of YMC 15.27.510. The Type 2 buffer was increased from 75’ to 100’ at the time of the critical areas update based on Yakama Nation comment and to match</p>

SMP section	Summary of change
	<p>Yakima County's Type 2 buffer (also updated in 2017). The Type 3 and Type 4 buffers were modified to match Yakima County's buffers.</p> <p>P – Changed “reclamation” to “restoration” as the reclamation term is more commonly associated with post-mining site upgrades.</p>
17.09.060	<p>Updated the entire critical aquifer recharge areas section for consistency with YMC 15.27.800 - .820. That section was updated in 2017 based on “Critical Aquifer Recharge Areas Guidance Document” (Morgan, 2005).</p>