

Prepared By	Jurisdiction	Date
	Wahkiakum County	10/xx/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 <b>floating on-water residences (FOWRs)</b> provisions	Draft SMP 6.3.16 Residential Regulations 5 and 6 prohibit new overwater residential, including ‘floating home residences’, and includes allowance for conversion of existing overwater structure into a residence; Draft SMP 3.2 Definitions do not include floating on-water residences (FOWRs); SMA defines ‘floating homes’ and ‘FOWRs’ separately	Add a FOWR definition to 3.2 consistent with RCW 90.58.270(6)(b); Add standards to 6.3.16 for replacement/remodel per statute.
b.	The Legislature clarified the permit exemption for <b>fish passage projects</b>	Draft SMP 2.3(A) lists the substantial development permit exemptions established by WAC 173-27-040, including (13) about fish passage projects, but no reference to RCW 90.58.147 is included;	Clarify 2.3(A)(13) to include RCW citation.
2019			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	Draft SMP 2.3(7) includes the outdated dollar values	Correct the dollar values
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	OFM adjusted the dollar value again in July 2022 to \$8,504; Draft SMP 2.3(A) includes the now outdated dollar value	Correct the dollar value
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	Draft SMP 3.2 Definition for ‘Development’ does not include clarification that	Add clarification “Development” does not include dismantling or removing structures if there is

Row	Summary of change	Review	Action
		excludes dismantling/removal of structures.	<i>no other associated development or re-development."</i>
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	Draft SMP 1.5 Applicability does not address these exceptions; and 2.3(A) SDP Exemptions erroneously include (15) Remedial Actions and (16) WSDOT Facility Maintenance; Three of the 5 other activities excepted from local review under WAC 173-27-044 and -045 are not addressed in the SMP	Add a list of all 5 exceptions to 1.5 Applicability, and delete 2.3(A)(15) and (16)
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	Draft SMP 2.2 BoCC (A)(3) mentions transmittal of CUP and VAR decisions to ECY, otherwise the Draft SMP does not specify the required permit filing procedures	Add the permit filing procedures and/or reference to WAC 173-27-130 as a new subsection at the end of 2.3 Permits and Variances
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	Draft SMP 3.2 Definition for 'Forest Practice' addresses both timber harvest and non-timber harvest activities; SMP 6.3.12 Forest Practices – Regulation (2) addresses non timber harvest activities as development that requires permitting	Add clarification to the 3.2 Definition about timber cutting and non-timber cutting activities that may require permitting, for internal consistency and to better support the related regulation
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	N/A – There are no lands under exclusive federal jurisdiction in the County; The SMP does not apply to federal activities on federal land, but does apply to shoreline activities: by 3 <sup>rd</sup> party vendors/operators; and/or on private in-holder parcels within JBHNWR	No revision needed;  <i>Optional</i> – add clarification about federal lands to SMP 1.5 Applicability
g.	Ecology clarified "default" provisions for <b>nonconforming uses and development.</b>	Draft SMP 1.3 Shoreline Jurisdiction notes that existing uses, structures, approved building sites, and agriculture are 'grandfathered' and not subject to the SMP;	Add clarification to 1.3 and 1.7 that 'nonconforming use and development', as defined, may continue but that new activities such as normal repair, maintenance, replacement, and

Row	Summary of change	Review	Action
		Draft SMP 1.7 Goal 'D' notes the SMP does not regulate existing, legally established uses and structures; Draft SMP 3.2 Definitions includes 'Nonconforming use or development' with reference to WAC 173-27-080; the term is not used elsewhere in the SMP	redevelopment of existing use/structures may be subject to the SMP; and that the SMP relies on definitions and standards of WAC 173-27-080.
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	Draft SMP 2.3(A)(12) includes this exemption for ADA retrofits	No revision needed
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Draft SMP 7.2 Wetlands Ratings (A) uses an outdated version of the rating system;  Wetland Buffers (C) allows buffer width adjustment based on Critical Area Report or other scientific info, but doesn't establish prescriptive standards;  Wetland Mitigation (E) uses an outdated version of mitigation guidance;	Revise to ensure reliance on the 2014 Rating System (ECY Pub No. 14-06-029);  Add specific provisions to allow reduced buffer with use of minimization measures and wildlife corridor, per current technical guidance;  Revise to ensure reliance on the most current technical guidance;
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	Draft SMP does not include this review timeline target;	Add language to 2.3 Permits and Variances to establish the special procedures for WSDOT projects
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	Draft SMP 2.8 only addresses permit appeals; and 3.2 Definition of 'Shorelines Hearings Board' only addresses permit appeals; SMP does not address how to appeal Ecology's approval of	No revision needed;  Optional – Add language and/or citation to RCW 90.58.190 about SMP appeals

Row	Summary of change	Review	Action
		the SMP (but is not required to include such language)	
<b>2011</b>			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	Draft SMP 3.2 Definition for ‘Wetlands’ accurately relies on the ‘currently approved’ Federal Delineation Manual; 7.2 Wetland Designation (A) requires use of the Federal Delineation Manual but doesn’t specify the ‘approved’ version	Add ‘approved’ to 7.2(a) to ensure the correct Federal Delineation Manual is used and for internal consistency
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	N/A – there are no marine intertidal/subtidal areas with suitable conditions for geoduck	No revision needed
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Draft SMP 6.3.16 Residential Regulations 5 and 6 prohibit new overwater residential, including ‘floating home residences’, and includes allowance for conversion of existing overwater structure into a residence; Draft SMP 3.2 Definitions do not include floating homes; SMA defines ‘floating homes’ and ‘FOWRs’ separately; 3.2 Definition for ‘Conforming Preferred Use’ references floating home moorage and remodeling;	Add ‘floating homes’ definition to 3.2;
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	Draft SMP 1.3 Shoreline Jurisdiction notes that existing uses, structures, approved building sites, and agriculture are ‘grandfathered’ and not subject to the SMP; Draft SMP 1.7 Goal ‘D’ notes the SMP does not regulate existing, legally established uses and structures; but the SMP doesn’t explicitly establish this optional classification for legally established single-family residential structures	No revision is needed;  <i>Optional</i> – Add language to establish this classification

Row	Summary of change	Review	Action
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	<p>Draft SMP 7.1 General Mitigation Requirements (A)(2) requires compensatory mitigation to meet NNL for activities authorized by a Variance; typo ‘geological’ should read ‘ecological’; overall the provision is too narrow in scope for the overall NNL standard;</p> <p>Draft SMP 1.12 establishes the 14-day effective date for the SMP after Ecology final approval;</p> <p>Draft SMP 7.1 Applicability (A) specifically establishes shoreline critical area regulations that are separate from the County’s CAO (Ord 131-00; RCWC 43.70)</p>	<p>Add language to 7.1 to establish the broad requirement for protecting shoreline critical areas to meet NNL;</p> <p>No revision needed;</p> <p>No revision needed.</p>
2009			
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.	N/A – There are no UGAs in the County	No revision needed;
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks.</b>	Draft SMP 7.2(E) Wetland Mitigation Requirement (3) allows credits from a certified wetland mitigation bank consistent with WAC 173-26-221(2)(c)(i)(F)	No revision needed;
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Draft SMP does not address moratoria, and is not required to	No revision needed.
2007			
a.	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been	Draft SMP 3.2 Definition for ‘Floodway’ includes both options: the FEMA map definition, and the SMA	Revise definition to rely on FEMA mapping

Row	Summary of change	Review	Action
	established in FEMA maps, or the floodway criteria set in the SMA.	biological definition; county needs to choose one or the other; only the Elochoman River has a mapped floodway	
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.	<p>Draft SMP 1.3 Shoreline Jurisdiction, and Section 4 Inventory &amp; Characterization Summary both reference an Appendix 1 list of Shoreline Jurisdiction Streams but no appendix is included in the SMP document;</p> <p>Draft SMP 5.3(A) references SED Maps as available at the County Planning Office; both the list and the maps need to be presented as part of the SMP package as key required components (even if separate documents)</p>	Ensure the SMP package includes both a list and map of shoreline jurisdiction waterbodies, likely as: Appendix 1 List; and add Appendix 2 Maps #61 - 67; presentation as separate documents may help avoid file size limits.

\* 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 1984 Comprehensive Plan has not been amended
	<input checked="" type="checkbox"/>	No	
Have you had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	
	<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	Draft SMP Section 7 establishes separate critical area provisions and doesn't rely on the CAO (Ordinance No. 131-00)
	<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	See above.
	<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

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	<input checked="" type="checkbox"/> No	Typical flooding and landslide activity has not changed the County's shorelines significantly; recent events help identify possible problem areas
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	The effective FEMA maps are dated 1990; a portion of the Elochoman River floodway was recently surveyed in 2017
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	This periodic review considers the April 2022 Draft SMP comprehensive update not yet in effect
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	This periodic review considers the April 2022 Draft SMP comprehensive update not yet in effect
Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	<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 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
All	Correct minor clerical errors (e.g. typos, formatting, punctuation) that do not affect substantive content		

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