

## 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
Anthony Muai	City of Kennewick	11/30/2020

Row	Summary of change	Review	Action
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	18.68.280(2)(k) – <i>new location will be 18.68.280(2)(h)</i>	Changed to reference RCW
b.	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program sites</b> ( <i>applies to 9 jurisdictions</i> )	Not applicable to Benton County	None
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	18.68.280(2)(f) references RCW 77.55.181 rather than including a full list of activities.	None
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	18.68.040(40)	Changed to reference RCW
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	18.68.040(7)	Added the following statement: <i>“Dismantling or removing any structures if there is no other associated development or re-development”</i> as 18.68.040(7)(e).
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	Need to determine what these are to assess if action needs to be taken	Added new Section (18.68.285) per Checklist Guidance example language
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	18.68.230(4) 18.68.240(7) 18.68.250(7)	Updated wording to be compliant
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.	Not applicable in Kennewick (no forests or commercial forestry practices in City)	None
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	No lands under exclusive federal jurisdiction within the shoreline	None
g.	Ecology clarified “default”	Nonconforming standards are	Updated to create 3

Row	Summary of change	Review	Action
	provisions for <b>nonconforming uses and development</b> .	present, but need to be cleaned up	subsections addressing nonconforming structures, uses and lots.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	No language contained in SMP or KMC that discusses periodic reviews	None
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	SMP does not address amendments to the SMP	None
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	SMP does not address amendments to the SMP	None
<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> .	Wording needs to be added	Wording added to 18.68.280(2)(p)
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	Updates needed. Locate documents and consult with Ecology	
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	Wording needs added to the SMP to either reference the statute or incorporate wording to help be consistent with the statute.	New section 18.68.255 added to address the statute
<b>2014</b>			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Not applicable in Kennewick (no floating on-water residences in City)	None
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	Current SMP does not address appeals of the SMP.	None
<b>2011</b>			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved	18.59.010 Needs updated	Replaced references to "Washington State Wetland Identification and Delineation

Row	Summary of change	Review	Action
	<b>federal wetland delineation manual.</b>		Manual” and “Identification and Delineation Manual” with “approved federal wetland delineation manual and applicable regional supplements”
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture.</b>	Not applicable in Kennewick (no saltwater shorelines)	None
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Not applicable in Kennewick (no floating homes in City)	None
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming.</b>	Nonconforming provisions contained in current SMP.	None. Few if any non-conforming structures in shoreline area. Most are on Clover Island and built as part of the Clover Island Master Plan which development regulations addressing height, views, etc. were adopted in the SMP as an appendix.
<b>2010</b>			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	All chapters of the KMC addressing Critical Areas were adopted as appendices.  Effective date of amendments is not addressed in the current SMP.	Critical areas regulations will be adopted as appendices again and will contain amendments that have occurred since original adoption of the SMP.  Effective date of amendments is not addressed and therefore defaults to the state requirement of 14 days after Ecology’s written notice of final action to the local government stating Ecology has approved the proposed SMP.
<b>2009</b>			
a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration</b>	Not contained in current SMP	Need to reference or adopt new section dealing with relief procedures – discuss with staff

Row	Summary of change	Review	Action
	<b>project within a UGA</b> creates a shift in Ordinary High Water Mark.		
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Wetland mitigation banks are not mentioned KMC	None
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Not contained in current SMP	Do not include in SMP. Rely on statute instead when imposing moratoria.
<b>2007</b>			
a.	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.	The current definition is contained in KMC 18.66.020(19) and needs to be updated.	The definition did not comply so it was updated using the example language from the checklist guidance that references FEMA's FIRM maps This definition was changed in KMC 18.66.020(19) which is in the Flood Damage Prevention chapter of the zoning code and is also adopted as part of the SMP.
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.	18.68.220 Map Check for list to ensure compliance	None needed. No new lakes or streams exist that are not already part of the current SMP
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.	Contained in existing KMC 18.68.280(2)(f)	None

### 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	Review	Action
<b>Appendix A-1</b>	Shoreline Boundary Map and Description	No changes needed	none

SMP section	Summary of change	Review	Action
<b>Appendix A-2</b>	Kennewick Shoreline Critical Area Regulations	Needs updated to reflect changes since SMP adoption and to address legislative and rule changes	18.58 – No changes since adoption 18.59 – No changes since adoption, however changes to address Washington State Wetland Rating System for eastern Washington (Ecology 2014) are proposed. 18.60 – No changes since adoption 18.61 – No changes since adoption 18.62 – No changes since adoption 18.63 – since adoption, however, WDFW recommends 100 foot buffer in Riparian zones
<b>Appendix A-3</b>	Inventory and Assessment Report 2005	No changes needed	None
<b>Appendix A-4</b>	City of Kennewick Shoreline Restoration Plan 2009	No changes needed	None
<b>Appendix A-5</b>	City of Kennewick Cumulative Impact Assessment, June 2009	No changes needed	None
<b>Appendix A-6</b>	Clover Island High Intensity Special Area Standards	No changes needed	None
<b>Appendix A-7</b>	KMC 18.66: Flood Damage Prevention	Needs updated with changes from Ecology	Adoption of 18.66 in current state
<b>Appendix A-8</b>	KMC 18.72: Clearing and Grading	Needs updated to reflect changes since SMP adoption	Adoption of 18.72 in current state
<b>Appendix A-9</b>	KMC 18.24: Signs	Needs updated to reflect changes since SMP adoption	Adoption of 18.24 in current state
<b>Appendix A-10</b>	KMC 4.08: State Environmental Policy Act	Needs updated to reflect changes since SMP adoption	Adoption of 4.08 in current state
<b>Appendix A-11</b>	KMC 4.12: Permit Process	Needs updated to reflect changes since SMP adoption	Adoption of 4.12 in current state