




SAN JUAN COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

**REPORT DATE:** October 29, 2019  
**TO:** San Juan County Planning Commission  
**FROM:** Linda Kuller, AICP, Planning Manager   
**BRIEFING:** Friday, November 15, 2019  
**SUBJECT:** Required Periodic Review of the Shoreline Master Program  
WA Department of Ecology grant opportunity

**ATTACHMENTS:**

- A. WA Department of Ecology (ECOLOGY) letters: SJC Periodic Review
- B. Ecology FAQ: Periodic Review Rule (WAC 173-26-090)
- C. Ecology FAQ: SMP Periodic review Grants
- D. Ecology FAQ: Joint Review Process

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**Purpose:** To inform you that the San Juan County Shoreline Master Program (SMP) is scheduled for the completion of a periodic review by June 30, 2020. The County is working to complete a grant agreement with the WA State Department of Ecology to fund the work.

**Link to the Shoreline Master Program Periodic Update project webpage:**  
<https://www.sanjuanco.com/1643/Shoreline-Master-Program-Periodic-Update>

**Background:** The periodic review of the SJC Shoreline Master Program is required by RCW 90.58.080. Please see the attached letters from the WA Department of Ecology (Ecology) (Attachment A) and the Ecology FAQ - Summary of the Periodic Review Rule (Attachment B). The minimum scope of review in WAC 173-26-090(2)(d) is:

“(i) The purpose and scope of the periodic review as established by the act is:

(A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

ii) The review process provides the method for bringing shoreline master programs into compliance with the requirements of the act that have been added or changed since the last review and for responding to changes in guidelines adopted by the department, together with a review for consistency with amended comprehensive plans and regulations. Local governments should also incorporate amendments to reflect changed circumstances, new information, or improved data. The review ensures that shoreline master programs do not fall out of compliance over time through inaction.”

(iii) **The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2).** The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ecology guidelines. **By contrast,**

the periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.

2(d)(iii) above distinguishes the periodic reviews from the one-time comprehensive SMP update. Comprehensive updates involved a complete review of the SMP based on Ecology's 2003 SMA rules, and included extensive inventory work to determine shoreline jurisdiction and analyze existing conditions. **Periodic reviews are focused on new laws or rules that were not in effect when the comprehensive update was adopted, or on new information a local government finds that warrants local amendments.**

**Funding opportunity:** The County applied for a WA State Department of Ecology formula grant of \$84,000 to complete the periodic review (Attachment A). There is no match requirement. **The grant expires June 30, 2021.** We received notice that our grant was awarded. We are in the process of working out the formal agreement with Ecology including a joint State-local review process, the timeline for that joint-work and a public participation plan with a schedule.

**Funds not spent on the periodic update:** Grant money not spent on the periodic review process can be expended on other shoreline management activities such as implementation bulletins or the process adopted in Ordinance No. 21-2018 amending SJC 18.50.020(E)(3) to require DCD to document all project review actions in the shoreline jurisdiction and evaluate the cumulative effects of such development on shoreline conditions.

*According to Ecology's Shoreline Master Program Periodic Review Grants 2019-21 Funding Guidelines dated July 2019 (Publication No. 19-06-007):*

**"Jurisdictions that completed the periodic review early may propose use of their grant amount for other shoreline management activities such as a public access plan, assessment of permit effectiveness, technical assistance memos, or other shoreline implementation work. These jurisdictions should work with Ecology to develop a tailored scope of work.**

A jurisdiction that receives grant funds for periodic review, and completes its periodic review early enough in the grant cycle to spend any remaining grant funds, may request use of the funds to support other shoreline management activities, such as those mentioned above. Those jurisdictions would work with Ecology to develop a formal amendment to the grant agreement outlining the new tasks, deliverables, and budget changes. Ecology must first approve the SMP amendment or Findings of Adequacy before authorizing use of the remaining funds for other shoreline management activities."

**Preliminary Assessment of Required SMP Changes:** Ecology provides a periodic review checklist to cities and counties to use in the update process. It summarizes amendments to state law, rules and updated guidance adopted between 2007 and 2019 that might trigger the need for local amendments. Ecology also provides example language for potential amendments.

Attached is a **preliminary draft review** of the periodic update checklist completed for the SJC SMP. Changes to the SMP and regulations are anticipated to entail a moderately scoped legislative process estimated to take 7-8 months.

**Optional Joint Review Process:** For your information, Ecology's FAQ regarding joint review process procedures is attached (Attachment D). This process would help improve adoption efficiencies and has been proposed in the grant application.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 12, 2019

Erika Shook, Director  
San Juan County  
135 Rhone Street  
PO Box 947  
Friday Harbor, WA 98250

S.J.C. DEPARTMENT OF

JUL 16 2019

COMMUNITY DEVELOPMENT

Dear Erika Shook:

As the next rounds of periodic review of Shoreline Master Programs (SMP) get under way, the Department of Ecology is awarding grants to cities, towns, and counties to help fund this work. Grant funding for cities and towns is based on population, while funds for counties are a set amount. I am pleased to inform you that Ecology will offer San Juan County a grant of \$84,000.

Please let us know by October 31, 2019 whether or not you plan to accept the grant. If you do not want the grant, we will reallocate it to other jurisdictions. You are not required to accept the grant funding; however, your jurisdiction is required to complete a periodic review of your SMP. The grant will expire on June 30, 2021.

During the SMP comprehensive update process, some jurisdictions worked with others in their region to develop policies and regulations as well as supporting materials. We encourage you to consider collaborating with other jurisdictions for your periodic review work in order to address common issues and improve efficiency.

**Grant management:**

In order to receive grant funds, your jurisdiction must submit a grant application through Ecology's online grant and loan management system known as EAGL (Ecology's Administration of Grants and Loans). All deliverables related to your periodic review work must be uploaded in EAGL. Quarterly payment requests and progress reports are also required.

EAGL grant applications for periodic review will be available on July 16, 2019. I recommend that you get started with your application as soon as possible, as it can take some time to get a grant agreement in place. Please visit our Grants and Loans webpage at <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans#Apply> for information about setting up Secure Access Washington (SAW) and EAGL accounts. We plan to offer training about EAGL in the near future. An overview of the SMP grants, grant management and related

resources are provided in our *Shoreline Master Program Periodic Review Grants: 2019-21 Funding Guidelines* available at <https://fortress.wa.gov/ecy/publications/SummaryPages/1906007.html>.

**Guidance:**

Ecology has developed guidance documents for periodic reviews. Our Shoreline Planners Toolbox, located at <http://www.ecy.wa.gov/programs/sea/shorelines/smp/toolbox.html>, includes links to the following: Summary of the rule (WAC 173-26-090), checklist, checklist guidance, public participation plan example, scope of work template, FAQ, and various example documents. Click on the Periodic Review heading. We expect that you will find this information helpful.

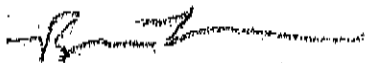
To learn more about the SMP grant funding and application parameters, please visit our Shoreline Master Programs grant web page, located at <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Shoreline-Master-Program-grants>

**Ecology contact:**

Your initial Ecology contact for the periodic review work is Chad Yunge, Regional Shoreline Planner at (360) 255-4374 or [Chad.Yunge@ecy.wa.gov](mailto:Chad.Yunge@ecy.wa.gov). Please ask your staff person assigned to the SMP periodic review to contact Chad Yunge in order to initiate the periodic review process and ask questions.

We look forward to working with you. Thank you.

Sincerely,



Brian Lynn  
Coastal/Shorelands Section Manager  
Shorelands and Environmental Assistance Program

cc: Chad Yunge



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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September 10, 2018

Erika Shook  
Director  
San Juan County  
135 Rhone Street  
PO Box 947  
Friday Harbor, Washington 98250

S.J.C. DEPARTMENT OF

SEP 13 2018

COMMUNITY DEVELOPMENT

Dear Ms. Shook:

The Shoreline Management Act requires that a comprehensively updated Shoreline Master Program (SMP) be periodically reviewed every eight years. The schedule to complete these reviews is established for every community (RCW 90.58.080(4)). San Juan County is included in the second round of periodic reviews, which is due on or before June 30, 2020. We are sending you this letter to remind you of this requirement, tell you about our grants program, and suggest initial preparation steps.

***Periodic Review:***

The requirement to periodically review your SMP helps assure that your program remains consistent with any changes to the Act and the guidelines adopted by the Department of Ecology, along with any amended local comprehensive plans and regulations. We encourage you to start preparing for your periodic review by reading the periodic review rule, WAC 173-26-090, which went into effect in September 2017. Note that a new section, WAC 173-26-104, allows for an optional joint review process that combines the required local and state public comment periods.

We plan to schedule training to help you with the periodic review update in early 2019. Meanwhile, you can check our guidance documents including a summary of the periodic review rule, a checklist, frequently asked questions and example documents on our Shoreline Planners Toolbox at <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-planners-toolbox>.

***Grant funding:***

We expect to provide grant funds for all rounds of periodic review updates. We anticipate the legislative appropriation for the 2019-2021 biennium will cover grants approximately at the level

Erika Shook  
September 10, 2018  
Page 2

currently provided for jurisdictions with a 2019 deadline, although we won't know until the Legislature adopts a biennial budget. Current grant amounts are \$75,000 for counties; \$30,000 for cities over 100,000 population; \$25,000 for cities with a population of 50,000 to 100,000; \$20,000 for cities with a population of 20,000 to 50,000; \$15,000 for cities with a population of 5,000 to 20,000 and \$10,000 for cities with a population under 5,000. We may adjust these amounts for the 2019-2021 grant cycle, depending on the Legislative appropriation.

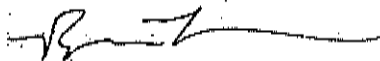
We will send you a grants award letter after the legislature acts on the budget next spring. You may begin work on your periodic review update at any time. However, you may seek reimbursement only for work that occurs after July 1, 2019, after your grant agreement with Ecology is in place.

***Amendments to your SMP:***

You may already be considering amendments to your SMP. We encourage you to combine any such amendments with the periodic review in order to address shoreline issues more efficiently and reduce the workload for your staff and ours.

If you have any questions, please contact Betty Renkor, Senior Shorelines Planner, at [betty.renkor@ecy.wa.gov](mailto:betty.renkor@ecy.wa.gov) or 360-407-7469.

Sincerely,



Brian Lynn  
Coastal/Shorelands Section Manager  
Shorelands and Environmental Assistance Program

cc: Joe Burcar, Shorelands and Environmental Assistance Program, NWRO  
Perry Lund, Shorelands and Environmental Assistance Program, SWRO



April 2019

## Frequently Asked Questions: Periodic Review of Shoreline Master Programs

### What is periodic review of Shoreline Master Programs?

The Shoreline Management Act (SMA) requires a periodic review of comprehensively updated SMPs. Local governments must review amendments to the SMA and Ecology rules that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. They must also review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data.

The schedule to complete these reviews is established for every community by the Legislature. Periodic review is due on or before June 30 of the years listed below, and every 8 years thereafter, for the named counties and the cities and towns within those counties:

- 2019: Snohomish, King and Pierce
- 2020: Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom
- 2021: Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima
- 2022: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman

### Do we need to review our SMP even though we completed our comprehensive SMP update within the past few years?

Yes. The Legislature created the requirement to conduct reviews of SMPs to make sure they stay current with recent legislation and rules. This requirement and schedule is established in RCW 90.58.080(4). The law does not give Ecology the option to issue a waiver.

The requirement in law is to review the SMP, and revise it, *if necessary*. Ecology's rules recognize that in some cases, the review will conclude that no changes are necessary. If that's the case, local governments may adopt "Findings of Adequacy." These Findings will then be submitted to Ecology for approval.

### How will we know what laws and rules have been adopted since our SMP was amended?

Ecology has prepared a checklist of all laws and rules adopted, organized by year. The checklist is accompanied by a guidance document that explains each item. These documents are available on our website at <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-planners-toolbox>. Scroll down to "Periodic review."

**Do we need to prepare a new inventory?**

No. Ecology's rule clarifies there is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans. The periodic review will not entail the amount of time and resources as the comprehensive updates.

**How should our community involve the public in the review?**

The SMA requires public participation for all amendments. Ecology's rule call for a public participation plan that should include broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments. The plan will ensure the public knows when to comment on the scope of the review and proposed changes, and when elected officials are expected to take formal action.

**Can our community complete the review before the deadline in statute?**

Yes. The requirement is to conduct a periodic review *at least* once every 8 years, so early adoption is allowed. It will actually be beneficial if local periodic review adoptions are spread out in the year or so before the deadline to distribute the review workload, and ensure Ecology can provide adequate help to individual jurisdictions.

**Will Ecology provide grant funds for SMP periodic review?**

Yes, pending legislative appropriation. Grant recipients must use Ecology's online grants and loans system, known as EAGL.

**Where can I learn more about periodic review?**

Check out the following for information about periodic review requirements, guidance documents and grants.

- Shoreline planners toolbox. Scroll down to "Periodic review"  
<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-planners-toolbox>
- Grants and loans web page  
<https://ecology.wa.gov/About-us/How-we-operate/Grants-loans#Apply>
- Videos on obtaining a Secure Access Washington (SAW) account and registering with EAGL  
<https://www.youtube.com/watch?v=XFizCBKZpK8&list=PL8BmI4b96dKa-HHPVPWkuWuPNiU4nCO90&index=1>
- *Administrative Requirements for Recipients of Ecology Grants and Loans (Yellow Book)*  
<https://fortress.wa.gov/ecy/publications/summarypages/1701004.html>

## Frequently Asked Questions: Shoreline Master Programs - Periodic Review Grants

Please read below for questions and answers about the SMP periodic review grants and Ecology's Administration of Grants and Loans (EAGL) online system.

The seven processes of a grant in EAGL include:

1. Application
2. Agreement
3. Amendment
4. Payment requests/progress reports
5. Equipment purchase (not applicable to SMP grants)
6. Site Visit Reports
7. Closeout

### APPLICATION

#### **Is there a grant match requirement?**

No match is required for SMP periodic review grants.

#### **If the SMP periodic review process will cost more than the Ecology grant award, can the total grant budget be allocated to one of the five tasks? Or do we have to allocate some of the budget to each task?**

Ecology's preferred grant management practice is to set up the task budget appropriately among all tasks. (Task 1/Project Oversight should be no more than 15 percent of the total grant award.)

If jurisdictions pay for tasks on their own and are not requesting Ecology reimbursement, these tasks should have \$0.00 in the task budget. Please note that for tasks with a \$0.00 budget, deliverables still must be submitted to Ecology. The exception to this is Task 2/Secure Consultant Services; if a consultant isn't hired, a consultant contract isn't required by Ecology.

Ecology will note which tasks the jurisdiction will pay for on their own in the EAGL Project Long Description.

#### **If we plan to hire a consultant, should the Task 2/Secure Consultant Services budget reflect only the cost of hiring the consultant and drawing up the consultant contract?**

Yes, the Task 2/Secure Consultant Services budget should only cover the cost of staff time spent on hiring a consultant (hours spent writing and approving the contract). Once the consultant is hired, the consultant hours should be billed to the appropriate task (Tasks 3, 4 and 5) for the work completed. Payment request must include the hours that are worked and hourly rate of

pay per task reported.

**I'm trying to apply for our grant in EAGL, but I don't even see the name of my jurisdiction. What should I do?**

First, someone at the jurisdiction needs to register with Secure Access Washington (SAW), then EAGL. In EAGL, that person becomes an Authorized Official. Only those with the Authorized Official role in EAGL for the particular grant (SMP periodic review, in this case) can see the funding opportunities for their jurisdiction and submit the grant application.

For more information on setting up Secure Access Washington (SAW) and EAGL accounts, check Ecology's [Grants and Loans](https://www.ecology.wa.gov/About-us/How-we-operate/Grants-loans) web page at <https://www.ecology.wa.gov/About-us/How-we-operate/Grants-loans>.

After you are registered as the Authorized Official, select "View Available Opportunities" on the EAGL Welcome Page. That link will take you to the "My Opportunities" Page. Type "Shoreline Master Program" in the Document Instance text field, select the Filter button and the SMP 19-21 funding opportunity will appear.

## AGREEMENT

**Does the EAGL application represent the agreement itself or will a separate agreement need to be created and signed?**

The EAGL application becomes the funded agreement; a separate agreement isn't needed.

After the applicant submits the application, Ecology's Project Manager/Regional Planner will negotiate the draft agreement with the applicant. During the negotiation process, changes can be made to the Recipient contacts, scope of work tasks, budget, and Deliverables Due Date forms.

When both parties approve a final draft, the Ecology Financial Manager will put the agreement in the EAGL format. Ecology management will approve the draft, and the final agreement will be sent to the grant Recipient for signature. The grant Recipient should print two agreements, have them signed by the authorized signatory(ies), and mail both back to Ecology for signatures. After Ecology signs both, the agreement will be in Active EAGL status, and the project can move forward.

**What if more than one signatory needs to sign the grant agreement?**

The primary signatory, which EAGL refers to as the Authorized Signatory, must be registered with SAW and EAGL. The Authorized Signatory should be the individual who is primarily responsible for authorizing and signing the agreement and amendments.

Once the Authorized Signatory has been selected from a drop-down list on the Recipient Contacts form, more signatories may be added in the fields on the bottom of the Recipient Contacts form. Enter the name and title of each additional signatory. Press the Save button to

save your work and add rows, as necessary.

**Is a formal grant amendment required to shift the task budgets?**

It is important to establish an accurate budget during the agreement negotiation process, and stay within budget during the grant.

Ecology allows up to a 10 percent deviation of the total grant amount to shift between tasks. For example, for a \$10,000 grant, up to \$1,000 can be shifted between tasks without requiring a formal amendment. Please note the overall grant amount won't increase.

EAGL will allow a deviation to occur once or twice, but the Ecology Financial Manager may require a formal amendment to realign the task budgets (showing the credit/debit of actual task expenditures) before the final payment is submitted and the grant is closed.

**PAYMENT REQUESTS/PROGRESS REPORTS (PRPR)**

**How often can PRPRs be submitted?**

Recipients are required to submit progress reports once per quarter, and should not submit them more often than once per month. Payment requests are not required with each progress report.

**How is the grant money disbursed to the Recipients?**

The SMP periodic review grants are reimbursement grants. Recipients must submit backup documentation, such as copies of consultant invoices and payroll records, as well as progress reports, with each payment request. Funding is generally aligned with work progress, i.e., no work progress, no reimbursement. As stewards of public funds, Ecology's objective is to assure that funds spent balance with work accomplished.

**Should consultant contracts be written to match the Ecology grant scope of work tasks?**

Yes. The consultants need to align their tasks and billings with Ecology's grant tasks 1-5 (plus additional tasks, if part of the grant agreement) to make the tracking and reconciliation easier on all parties.

**If all grant funds have been spent before Task 5 is completed, must the Recipient still send quarterly reports?**

Yes. Recipients are required to submit quarterly progress reports even if they are not claiming any funds at the time. Ecology will not reimburse all grant funds until the final payment request/progress report and all deliverables have been received. The final deliverables include the scope of work deliverables, final PRPR, and closeout documents. The grant agreement provides a set amount of grant funds on a reimbursable basis for tasks that result in specific deliverables.

**Does EAGL automatically send quarterly PRPR reminders?**

Currently, EAGL does not send automatic reminders. It is the responsibility of the recipient to understand when the PRPRs are due and comply with these requirements. Ecology's Project and Financial Managers may send reminder notices.

PRPRs are due 30 days after the end of the quarter.

- The January - March PRPR is due by April 30.
- The April - June PRPR is due by July 31.
- The July -September PRPR is due by October 31.
- The October - December PRPR is due by January 31.

**If we're not using a consultant, how much detail needs to go into the invoice for staff time? If we are using a consultant, what details should we provide?**

The recipient should include as much detail as possible for both staff and consultant hours and costs. For example, in the table below, the Item Category shows salaries/benefits. Under Item Description, the staff's work completed, hours worked, and hourly rate are shown. Payee is the staff person's name. Overhead/indirect must be on a separate line. Ecology allows Overhead/Indirect up to 30 percent of staff salaries and benefits.

**PRPR expenditures example**

Task Title	Item Category	Item Description	Payee	Invoice #	Date Incurred Start	Date Incurred End	Amount
Project Oversight	Salaries/ Benefits	Negotiate agreement – 10 hours@\$47/hour	Joe Joseph	Payroll	01/01/2018	03/31/2018	\$470
Project Oversight	Over-head/ Indirect	30% Overhead/ Indirect	Joe Joseph		01/01/2018	03/31/2018	\$141
						Total	\$611

Each PRPR must have backup documentation such as receipts, invoices, timesheets, payroll records, and meeting and travel expenses uploaded to EAGL. It is best to scan and upload the PRPR supporting backup documentation in the order it is entered in EAGL, making the review and reconciliation process much easier and quicker for your Project Manager and Financial Manager.

You can watch [Ecology's 10-minute PRPR video](https://www.youtube.com/watch?v=Lb17rzh6pgA&index=3&list=PL8Bm14b96dKa-HHPVPWkuWuPNiU4nCO90) at:

<https://www.youtube.com/watch?v=Lb17rzh6pgA&index=3&list=PL8Bm14b96dKa-HHPVPWkuWuPNiU4nCO90>.

## CLOSE OUT

### **When are final payment requests due?**

The grant agreement expires on June 30, 2021. Unfortunately, the grant expiration date and grant funds cannot be extended.

Final PRPRs, payment request backup documentation, scope of work deliverables, and the EAGL Recipient Close Out Report are due within 30 days of the expiration date or July 30, 2021. The final reimbursement will be for work completed on or before the June 30, 2021 grant expiration date.

## GENERAL

### **Where can I learn more about grant management and EAGL?**

- *Shoreline Master Program Periodic Review Grants: 2019-21 Funding Guidelines* at <https://fortress.wa.gov/ecy/publications/SummaryPages/1906007.html>
- *EAGL External Users' Manual* at <https://fortress.wa.gov/ecy/publications/SummaryPages/1701015.html>
- *Administrative Requirements for Recipients of Ecology Grants and Loans (Yellow Book)* at <https://fortress.wa.gov/ecy/publications/summarypages/1701004.html>
- *Grants and loans webpage* at <https://www.ecology.wa.gov/About-us/How-we-operate/Grants-loans>



## SHORELINE MASTER PROGRAM GUIDANCE FOR LOCAL GOVERNMENT

# Using the optional joint review process for amending Shoreline Master Programs per WAC 173-26-104

## Introduction

This is a step-by-step guide for city or county planners amending their Shoreline Master Program (SMP) using the optional joint review process authorized under [WAC 173-26-104](#).

The joint review process consolidates the local and state public comment periods, speeding up the approval process. The joint review process can be used for any locally initiated SMP Amendments or for the scheduled Periodic Reviews required under RCW 90.58.080(4).

Local governments completing their one-time comprehensive updates under RCW 90.58.080(2) must follow the standard two-step approval process, which includes a separate state comment period after local adoption.

Involve your Ecology planner as you draft amendments. It is especially crucial to coordinate on the timing of the joint local/state public comment period to ensure the public has a clear understanding of when and how to comment on proposed amendments and to avoid procedural errors.

## Step 1. Draft proposed revisions and engage the public

1. Begin public engagement as outlined in your Public Participation Plan. The level of public involvement will vary according to the level of complexity, anticipated controversy, and range of issues anticipated to be covered in the SMP amendment.
2. Notify your Ecology Regional Planner of your intent to use the optional joint review process. This can be done via email and should include a proposed work plan or adoption schedule.
3. Make all reasonable effort to consult with and solicit comments of any persons; groups; federal, state, regional, or local agencies; adjacent local governments; and tribes having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. Maintain a list of interested parties over the amendment process to use for the public notice and as required for final submittal. Keep Ecology informed of your outreach efforts.

### FIVE STEPS TO A SUCCESSFUL JOINT REVIEW

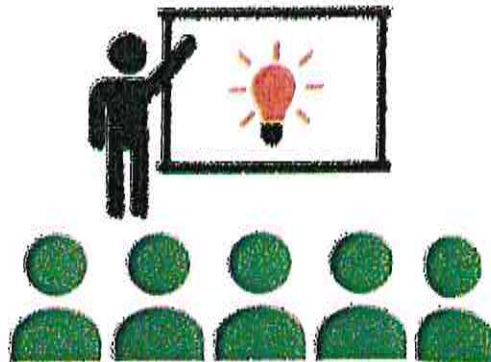
1. Draft your SMP and engage the public
2. Conduct joint comment period
3. Get initial determination of consistency from Ecology
4. Adopt SMP locally
5. Submit final SMP to Ecology

Coordinate closely with your [Ecology regional planner](#) for best results.

Visit [Ecology's Shoreline Planner Toolbox](#) for more information.

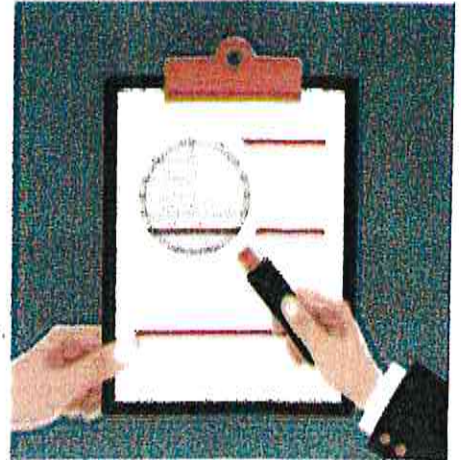
## Step 2. Plan and conduct joint public comment period with Ecology

1. Notify Department of Commerce of your intent to adopt shoreline policies or regulations.
2. Begin SEPA process.
3. Coordinate with Ecology on dates for 30-day joint comment period and hearing date/time.
4. Post proposed SMP amendment materials on your website. Include:
  - a. Strikethrough text.
  - b. A map of any proposed designation changes.
  - c. A summary of proposed amendments, together with explanatory text indicating the scope and intent of the proposal.
  - d. A copy of the Ecology checklist.
  - e. Other supporting material indicating how the proposed amendment is consistent with the policy of RCW 90.58.020 and applicable guidelines.
  - f. Where to send comments (local planner's email and mailing address).
  - g. Location where hard copy of proposed amendments will be available for public viewing during the comment period.
5. At least two weeks prior to the start of the comment period, send Ecology a live link to your SMP amendment web page, including items outlined above.
6. Provide notice of the 30-day comment period and opportunity for written comment to all parties of record who expressed interest regarding the proposal. See Appendix A for sample template.
7. Publish notice of the joint local-state hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. See Appendix B for a sample template. The notice must include:
  - a. Reference to local authority to amend under the SMA.
  - b. Date, time, and location of the hearing.
  - c. Statement or summary of proposed changes.
  - d. Reference to where the draft proposal is available for review (web page and physical address).
8. Conduct public hearing. Ecology staff will attend as long as schedules allow. Local government takes the lead role in these proceedings; however, See Appendix C for a list of our suggestions for running an effective joint local-state public hearing:
9. Within 30 days of the close of the comment period, prepare a response to public comments and identify any changes proposed in that response. If it will take longer than 30 days contact your Ecology regional planner.

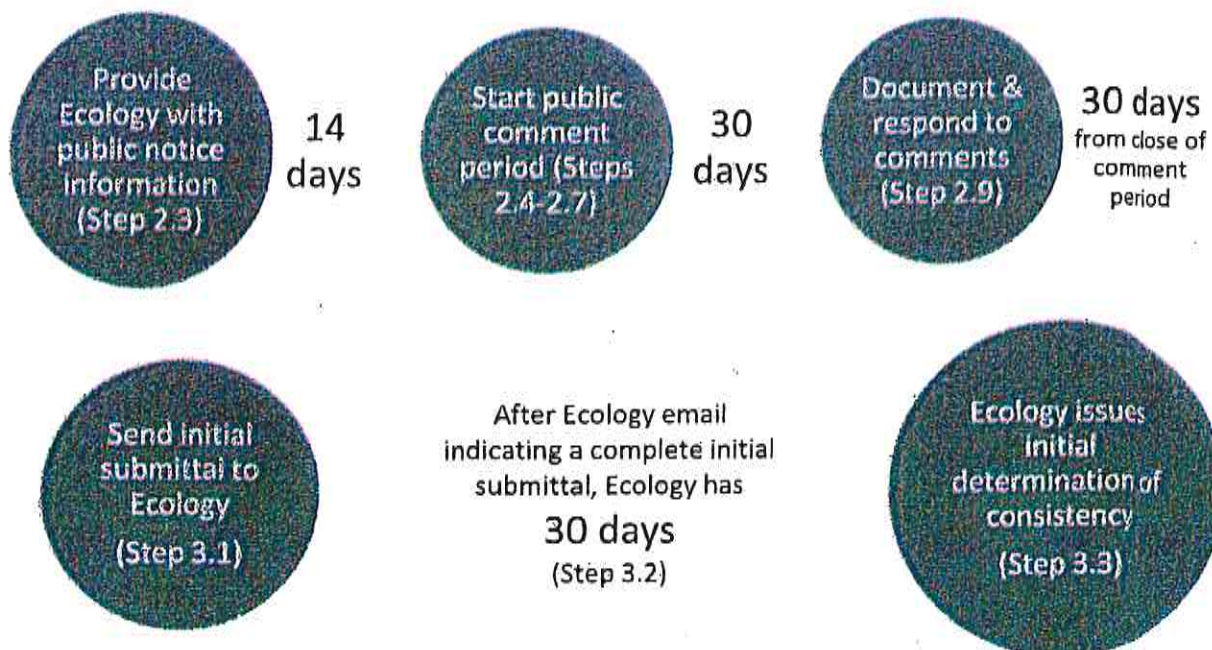


## Step 3. Get initial determination of consistency from Ecology

1. Send Ecology your proposed SMP amendments with the following:
  - a. Comments received during comment period.
  - b. Your responses to comments.
  - c. Any modification to the amendment that resulted from public comment.
  - d. Current text and map amendments.
  - e. Supporting findings of consistency of the proposed amendments with the policy of RCW 90.58.020 and applicable guidelines of WAC 173-26.
2. Ecology will first send you an email letting you know whether the initial submittal is complete.
3. Then Ecology will send you an initial determination of consistency within 30 days of complete submittal. Ecology may request an additional 15 days. Ecology will provide either:
  - a. A written statement of initial concurrence, or
  - b. A written statement describing the specific areas of concern. This could include required and/or recommended changes.



### Key timeline considerations by step before local adoption of SMP amendments



#### **Step 4. Adopt SMP Amendments locally**

1. After receiving the initial determination from the department, consider Ecology's initial determination of consistency, including any required or recommended changes.
2. Make any necessary modifications.
3. Adopt the amendment through ordinance following required local adoption process.

#### **Step 5. Submit Final SMP Amendment to Ecology for formal action**

1. Submit for final agency approval as outlined in WAC [173-26-110](#). See Appendix D for SMP submittal requirements worksheet.

### 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
	San Juan County	XXX, XX 2019

Shoreline Master Program Periodic Review Checklist

08-27\_SIC\_PRE\_Draft\_Per\_Rev\_checklist.docx

July 2019

N:\LAND USE\LONG RANGE PROJECTS\PCOMPL-19-0003\_SMP\_Per\_Review\Periodic Update checklist and FAQ\2019.  
2

Row	Summary of change	Review	Actions and Ecology's Guidance Notes
2019	a. OFM adjusted the cost threshold for building freshwater docks	<p><b>18.50.040 Exemptions from shoreline substantial development permit requirements – General requirements.</b></p> <p>D. The following developments, as defined in WAC <a href="#">173-27-040</a>, are not shoreline substantial developments and require a certificate of exemption when not considered as part of a larger project or development permit:</p> <p>1. With the exception of docks, any development, use, structure or activity whose total cost or fair market value, whichever is higher, does not exceed the maximum exempt amount allowed by state law (\$6,416 as of October 2012) in accordance with WAC <a href="#">173-27-040(2)(a)</a>, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the development includes the fair market value of any donated, contributed or found labor, equipment, or materials.</p> <p>8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private, noncommercial use of the owner, lessee, or contract purchaser of single- and multiple-family residences in accordance with WAC <a href="#">173-27-040(2)(h)</a>. This exception applies if either:</p> <p>a. In salt waters, the fair market value of the dock does not exceed \$2,500; or</p> <p>b. In fresh waters, the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction is considered a substantial development.</p>	<p><b>Amend SJCC 18.50.040.</b></p> <p><b>Review considerations:</b> If a local SMP includes a specific cost threshold, it should be revised to match the current numbers. The new thresholds are:</p> <p>(I) 22,500 dollars for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced, or</p> <p>(II) \$11,200 for all other docks constructed in fresh waters.</p> <p><b>Local governments are required to apply the new thresholds starting November 4, 2018, regardless of the threshold amount that is in their SMP. If a local SMP includes a specific cost threshold, it should be revised to match the current numbers. Sample language:</b></p> <p>XX) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:</p> <p>(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or</p> <p>(ii) In fresh waters the fair market value of the dock does not exceed:</p> <p>(A) Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or</p> <p>(B) Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.</p> <p>However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</p> <p><b>This is not applicable to San Juan County. No change is required.</b></p> <p><b>RCW 90.58.140 Review considerations:</b> The statutory direction not to apply the SMA to use of DMMP sites applies whether or not a local SMP has been amended. This bill only applies to counties or cities that have open water disposal sites managed by DMMP within their jurisdiction: Clallam, Grays Harbor, Pacific, Pierce, Skagit, and Whatcom Counties, and the cities of Everett, Seattle, and Port Angeles.</p> <p><b>Amend SJCC 18.50.040.</b></p> <p>Review considerations: This SMA amendment applied on its effective date, regardless of whether the exemption is specifically listed in the SMP. For SMPs that include a full list of fish habitat enhancement projects types, add "kelp, eelgrass and native oyster restoration projects."</p> <p>For SMPs that include a full list of fish habitat enhancement project types, add kelp, eelgrass and native oyster restoration projects.</p> <p><b>RCW 90.58.147 Substantial development permit—Exemption for projects to improve fish or wildlife habitat or fish passage.</b></p> <p>(1) A public or private project that is designed to improve fish or wildlife habitat or fish passage shall be exempt from the substantial development permit requirements of this chapter when all of the following apply:</p> <p>(a) The project has been approved by the department of fish and wildlife;</p> <p>(b) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter <a href="#">77.55</a> RCW; and</p> <p>(c) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.</p> <p>(2) Fish habitat enhancement projects that conform to the provisions of *RCW <a href="#">77.55.290</a> are determined to be consistent with local shoreline master programs.</p>
2017	a. OFM adjusted the cost threshold for substantial development to \$7,047.	D. The following developments, as defined in WAC <a href="#">173-27-040</a> , are not shoreline substantial developments and require a certificate of exemption when not considered as part of a larger project or development permit:	<p><b>No change is required.</b></p> <p>We could update the fair market value, but it references the law. This is better in case of future changes.</p>

**Row Summary of change**

**Review**

1. With the exception of docks, any development, use, structure or activity whose total cost or fair market value, whichever is higher, does not exceed the maximum exempt amount allowed by state law (\$6,416 as of October 2012) in accordance with WAC [173-27-040\(2\)\(a\)](#), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the development includes the fair market value of any donated, contributed or found labor, equipment, or materials.

b. Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.

“Shoreline development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter [90.58](#) RCW at any stage of water level (RCW [90.58.030](#); WAC [173-27-030](#)).

c. Ecology adopted rules clarifying exceptions to local review under the SMA.

d. Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.

**SJCC 18.80.110**

D. Consolidated Permit Processing. Proposals that involve two or more types of project permits may be consolidated under the “highest” procedure (i.e., the right-most applicable column in Table 8.1, SJCC [18.80.020](#)) required for such permits, or the applications may be processed individually under each of the procedures identified by this code. The applicant may request the consolidation of hearings with other local, state, regional, federal or other agencies in accordance with RCW [36.70B.110](#). (See also SJCC [18.80.020\(B\)\(2\)](#), Consolidated Permit Processing, and SJCC [18.80.140\(G\)](#), Consolidated Appeal Hearings.)

G.4. Within eight days of the hearing examiner’s final decision, the director will send WDOE copies of the permit application and other pertinent materials used to make the final decision (see Chapter [43.21C](#) or [90.58](#) RCW), the permit, and any other written evidence related to the hearing examiner’s final decision. The **date of filing** a shoreline substantial development permit decision is the date WDOE receives the County’s decision. WDOE shall issue and transmit their decisions on conditional use and variance permits to the department and applicant within 30 days of department’s submittal to them. The date of filing for shoreline conditional use permits or shoreline variances is the date that WDOE transmits their permit decision to the department and applicant.

**Actions and Ecology’s Guidance Notes**

**Add the following sentence to the definition of shoreline development in SJCC 18.20.190 “S” definitions.**

Shoreline development does not include dismantling or removing structures if there is no other associated development or re-development.

**Amend SJCC 18.50.040.**

**Review considerations:** The exceptions to SMP review covered under the statutes in these two rules apply whether or not they are included in local SMPs. However, Ecology recommends local governments maintain a consolidated section in their SMP that addresses these exceptions to ensure consistent implementation. We do not recommend the SMP combine these “exceptions” from SMA permit review directly into the list of “exemptions” from the requirement for a substantial development permit under WAC 173-27-040. Projects that are listed as “permit-exempt” still need to meet substantive standards of the SMA –whereas for these projects there is no local review.

**Sample language:**

A local SMP may consolidate all the SMA exceptions to incorporate Ecology’s recently revised rules with all applicable statutes as follows:

XX) Developments not required to obtain shoreline permits or local reviews

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(i) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

(ii) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(iii) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

(iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(v) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

**Amend SJCC 18.80.110 to comply with WAC 173-27-044 OR change SJCC Chapter 18.20 to include definition of date of filing.**

**Review considerations:** “Date of filing” replaces “date of receipt” for shoreline permits sent to Ecology. Requires concurrent filing of permits if there are separate Substantial Development, Conditional Use Permits, and/or Variances. Ecology will notify local government and the applicant of the date of filing by telephone or electronic means followed by written communication.

**Sample language:**

XX) After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes COUNTY will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.

(i) The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

(ii) Consistent with RCW 90.58.140(6), the state’s Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:

(A) For projects that only require a Substantial Development Permit: the date that Ecology receives the [COUNTY/CITY] decision.

(B) For a Conditional Use Permit (CUP) or Variance: the date that Ecology’s decision on the CUP or Variance is transmitted to the applicant and COUNTY.

(C) For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology’s decision on the CUP or Variance is transmitted to the applicant and the COUNTY.

Row	Summary of change	Review	Actions and Ecology's Guidance Notes
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.	<p><b>Review</b></p> <p>M. Appeals. Aggrieved parties have 21 days from the date of filing to file appeals to the shoreline hearings board.</p> <p><b>18.50.140</b> Judicial and State Board Appeals. The time limits, methods, procedures and criteria for review of land use decisions by the courts or by a quasi-judicial body created by state law, such as the Shorelines Hearings Board or the Growth Management Hearings Board, are provided by state law. See, for example, Chapter <a href="#">36.70C</a> RCW (21 days; appeal to superior court)</p> <p><b>18.50.450 Forest practices.</b></p> <p>A. General Regulations.</p> <ol style="list-style-type: none"> <li>In any 10-year period, no more than 30 percent of marketable trees may be harvested on a parcel located within the shoreline jurisdiction in accordance with WAC <a href="#">222-30-110</a>. Other timber harvesting may be allowed in limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.</li> <li>The cutting of timber solely incidental to the preparation of land for other uses authorized by this chapter is allowed.</li> <li>If there is a likelihood of conversion to nonforest uses, forest practice conversions and other Class IV general forest practices shall:             <ol style="list-style-type: none"> <li>Result in no net loss of shoreline ecological functions;</li> <li>Maintain the ecological quality of the watershed's hydrologic system;</li> <li>Prevent significant adverse impacts to other shoreline uses, resources, and values; and</li> <li>Provide a benefit with respect to the objectives of the SMA such as navigation, recreation and public access.</li> </ol> </li> </ol> <p>B. Activities covered under the Washington State Forest Practices Act, Chapter <a href="#">76.09</a> RCW, except for conversion to other uses, are exempt from the vegetation management standards in this section.</p>	<p><b>No change is required.</b></p> <p><b>Review considerations:</b> A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit, as required by WAC 222-50-020.</p>
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	<p><b>18.50.030 General applicability.</b></p> <p>A. Relationship to Comprehensive Plan. This SMP provides land use regulations to implement the goals and policies of the Comprehensive Plan Element 3, SMP. These regulations apply to all of the land and waters of the County that fall under the jurisdiction of the SMA. These regulations do not apply to development and uses beyond the jurisdictional limits of the SMA unless a proposed development involves both jurisdictional and non-jurisdictional land and the upslope land development is likely to adversely affect shoreline ecological functions.</p> <p>B. Applicability to Persons. This SMP applies to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other nonfederal entity that develops, owns, leases, or manages lands, wetlands, or waters that fall under the jurisdiction of the SMA, except for the right of any person established by treaty to which the United States is a party.</p> <p>C. Applicability to Federal Agencies.</p> <ol style="list-style-type: none"> <li>Federal agencies are subject to this SMP and the SMA, as provided by the Coastal Zone Management Act (<a href="#">16 U.S.C. 1451</a> et seq.; WAC <a href="#">173-27-060(1)</a>).</li> <li>The shoreline permit system applies to nonfederal activities constituting developments or conditional uses undertaken on lands subject to nonfederal ownership, lease, or easement even though such lands may fall within the external boundaries of federally owned lands.</li> <li>The shoreline permit system applies to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.</li> </ol> <p>D. Applicability to Developments, Uses, Structures, and Activities. This SMP applies to all developments, uses, and structures, as well as activities regulated by SJCC <a href="#">18.50.130</a>. Unless otherwise authorized, shoreline development without a project permit, shoreline substantial development permit, shoreline conditional use permit, shoreline variance, or certificate of exemption is prohibited. (Ord. 11-2017 § 4; Ord. 1-2016 § 9)</p>	<p><b>No change is required.</b></p> <p><b>Review considerations:</b> It is not necessary to amend local SMPs to reflect this clarification. However, it could be included if a jurisdiction faces questions about applicability of the SMP on lands with exclusive jurisdiction.</p> <p><b>Sample language:</b></p> <p>The language from the revised rule could be incorporated as follows:</p> <p>(XX) Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.</p>
g.	Ecology clarified "default" provisions for nonconforming uses and development.		<p><b>No change is required. San Juan County adopted specific nonconforming use provisions in SJCC 18.50.090.</b></p> <p>For local governments that adopted their own tailored provisions for nonconforming use and development during the comprehensive update, Ecology's rule amendments will have no effect.</p>

Row	Summary of change	Review	Actions and Ecology's Guidance Notes
	<ul style="list-style-type: none"> <li>h. Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b>.</li> <li>i. Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.</li> <li>j. <b>Submittal</b> to Ecology of proposed SMP amendments.</li> </ul>	Local governments that want to use these provisions should review local amendment procedures to ensure there are no impediments to using this new option.	<p><b>No change is required.</b></p> <p>This rule describes the process local governments must follow when conducting periodic reviews. It is not necessary to include any of these new provisions in local SMPs – they provide direction on how to undertake the periodic review process.</p> <p><b>No change is required. SJC does not address the amendment process in code.</b></p>
2016	<ul style="list-style-type: none"> <li>a. The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b>.</li> <li>b. Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.</li> </ul>	<p>For SMPs that simply cite the RCW list of exemption, no change is needed.</p> <p><b>18.35.090 Wetlands – Rating.</b>  <b>XX</b> San Juan County wetlands are rated according to the Washington State Wetland Rating System for Western Washington – Revised (Ecology Publication No. 04-06-025), as revised by Ecology. This rating system is designed to differentiate between wetlands based on their sensitivity to disturbance, rarity, irreplaceability, and the functions and values they provide. Wetland ratings must be determined by a qualified wetlands professional.</p>	<p><b>Amend SJCC 18.50.040 and .050.</b></p> <p>(XX) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</p> <p><b>No change is required.</b></p>
2015	<ul style="list-style-type: none"> <li>a. The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.</li> </ul>		<p><b>No change is required.</b></p> <p><b>Review considerations:</b> It is not necessary to include these provisions in SMPs. A reference could help ensure SMPs are implemented consistent with the statute.</p>
2014	<ul style="list-style-type: none"> <li>a. The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.</li> </ul>		<p><b>No change is required. San Juan County does not have any floating homes.</b></p> <p><b>Review considerations:</b> Local governments without floating homes need not amend their SMP to address this statute.</p>
2012	<ul style="list-style-type: none"> <li>a. The Legislature amended the SMA to clarify <b>SMP appeal procedures</b>.</li> </ul>		<p><b>No change is required.</b></p> <p><b>Review considerations:</b> These provisions are not about appeals of individual permits. They describe the appeal pathway after Ecology's approval of a Shoreline Master Program. If an SMP does describe the appeal steps for amendments to shoreline master programs, it should be reviewed for consistency with RCW 90.58.190.</p>
2011	<ul style="list-style-type: none"> <li>a. Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b>.</li> <li>b. Ecology adopted rules for new commercial <b>geoduck aquaculture</b>.</li> </ul>	<p><b>18.35.105 Wetlands – Determination of wetland boundary and requirements for wetland reports.</b></p> <p>F. Identification of Wetland Boundaries. Wetland boundaries shall be determined through a field investigation by a qualified wetlands professional using the definitions and methods prescribed in the 1987 U.S. Army Corps of Engineers "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, including any applicable regional supplements.</p> <p><b>18.20.010 "A" definitions.</b></p>	<p><b>No change is required.</b></p> <p><b>No change is required.</b></p>

Row	Summary of change	Review	Actions and Ecology's Guidance Notes
	<p>c. The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.</p> <p>d. The Legislature authorizing a new <b>option to classify existing structures as conforming</b>.</p>	<p><b>Review</b></p> <p>"Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery (see WAC <a href="#">173-26-020(6)</a>).</p>	<p><b>No change is required.</b></p> <p><b>Review considerations:</b> Local governments without floating homes need not amend their SMP to address this statute.</p> <p><b>No change is required.</b></p> <p><b>Review considerations:</b> This law is optional. It is one way local government can address existing development.</p>
2010	<p>a. The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b>.</p>		<p><b>No change is required.</b></p> <p><b>Review considerations:</b> If an SMP describes the "effective date" of SMP amendments, it should be revised to clarify SMPs are effective 14 days from Ecology's written notice of final action.</p>
2009	<p>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.</p>		<p><b>No change is required.</b></p> <p><b>Review considerations:</b> Local governments may want to include this option in local SMPs – though the process may be used even if the provision is not in the SMP.</p> <p>The Legislature created new "relief" procedures for instances in which a shoreline restoration project within an Urban Growth Area creates a shift in Ordinary High Water Mark, and this shift creates a hardship for properties subject to new or extra regulation. The Legislature was responding to concerns that SMP regulations on the Duwamish River in Seattle and other urban rivers have in some cases stopped habitat restoration projects or resulted in a redesign that reduced the restoration benefits.</p> <p><b>Option 1.</b> (X) The [COUNTY/CITY] may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.</p> <p><b>Option 2.</b> Incorporate Ecology's rule into an SMP. A more elaborate option is to incorporate the rule provisions into their SMP.</p>
	<p>b. Ecology adopted a rule for certifying <b>wetland mitigation banks</b>.</p>	<p><b>18.50.150 Mitigation plans.</b></p> <p>A. If a mitigation sequence analysis demonstrates that adverse impacts on shoreline ecological functions are unavoidable, mitigation, monitoring and adaptive management plans to offset the adverse impacts must be developed by a qualified professional.</p> <p>B. Where the proposal will have an adverse impact on wetland ecological functions, mitigation plans, including associated wetland replacement ratios, must be consistent with the guidance provided in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance, Ecology Publication No. 06-06-011a (as amended); and Wetland Mitigation in Washington State – Part 2, Publication No. 06-06-011b (as amended). As an alternative, mitigation actions may follow the procedures described in Ecology Publication No. 10-06-011, Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (as amended) or another mitigation approach or publication approved by WDOE.</p> <p>C. Mitigation options may include the use of certified mitigation banks and approved in lieu fee mitigation sites when they are identified and approved by the County council.</p>	<p><b>No change is required.</b></p>
	<p>c. The Legislature added <b>moratoria authority</b> and procedures to the SMA.</p>		<p><b>No change is required.</b></p> <p><b>Review considerations:</b> The moratoria procedures may be included in an SMP but it is not necessary – local governments can simply rely on the statute or adopt these provisions into other ordinances.</p>

Row	Summary of change	Review
2007	<p>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.</p> <p>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.</p> <p>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.</p>	<p><b>15.12.030 Definitions.</b></p> <p>"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.</p> <p><b>18.20.190 "S" definitions.</b></p> <p>"Shorelands" means lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of Chapter 90.58 RCW, the same to be designated as to location by the Department of Ecology.</p> <p><b>18.50.040 Exemptions from shoreline substantial development permit requirements – General requirements.</b></p> <p>14. Watershed restoration projects in accordance with WAC 173-27-040(2)(o).</p> <p>x) Consistent with WAC 173-27-040, a public or private project designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.</p>

**Actions and Ecology's Guidance Notes**

**Amend the definitions in SJCC 15.12.030 and 18.20.190.**

**Sample language:**

**Option 1.** If a local government elects to use FEMA maps to define the floodway, Ecology recommends the SMP include the following definition: "Floodway" means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

The word "established" in this suggested definition is consistent with the SMA definition and "effective" indicates that the map is FEMA's approved FIRM – not a preliminary or draft map – and also takes into account potential future changes to the maps. Reference to a specific dated version of the FIRM is not required.

**Option 2.** If the SMA floodway is used, the definition in the SMP should be consistent with RCW 90.58.030(2)(b)(ii).

The SMA floodway "...consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually."

**No change is required.** No new lakes or streams have been identified since the Comprehensive SMP update. Shoreline Inventory and characterization- San Juan County Section 3.10 and Table 16 lists lakes and their shoreline management area. Also see Section 3.8. Section 3.92 addresses Streams and Nearshore Riparian Areas. There is no list of streams. Also see Chapter 4 SJC BAS Table 4.1.

**Review considerations:** If a jurisdiction has identified any new streams or lakes since the comprehensive update, the lists and maps should be updated. These rule amendments clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction. (The SMP list and map will then supersede the list in Ecology rules). The amendments also clarify that if a stream segment or lake is subsequently discovered to meet the SMA criteria, the SMP shall be amended within three years of the discovery.

**Amend the code to include all citations.**

Guidelines say WAC 173-27-040(2)(p) should also be addressed. We only include (2)(o)

**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.

Two example formats:

SMP section	Summary of change	Review	Action
SMP Section	Summary of change	Discussion	