

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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### 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
Kendall Wals, Senior Planner	City of Puyallup	2/1/2022

Row	Summary of change	Review	Action
<b>2021</b>			
a.	The Legislature amended <b>floating on-water residences</b> provisions	Puyallup has no existing FOWRs; no amendments are needed.	N/A
b.	The Legislature clarified the permit exemption for <b>fish passage projects</b>	Addition needed.	Updated Chapter 8 – Administrative Procedures, Section E with language from checklist guidance.
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	City adopts by reference (see Chapter 8, section A) WAC 173-27-040, which states OFM adjustments.	<i>None needed</i>
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> )	Section does not apply to Puyallup	N/A
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	City does not list fish habitat enhancement projects types	N/A
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	City adopts by reference (see Chapter 8, section A) WAC 173-27-040, which states OFM adjustments.	Updated Chapter 2 Definition of Substantial Development to include the updated cost threshold.
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	Adjustment to definition section needed.	Adjusted Chapter 2 – Definitions, Section “D”; see “Development.”
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	Adjustment to definition section needed. ECY recommends adopting these as separately listed exemptions and not by reference.	Chapter 8 – Administrative Procedures, new Section E lists out the exemptions, as defined in the example text in the checklist guidance.

Row	Summary of change	Review	Action
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	City adopts by reference (see Chapter 8, section I) WAC 173-27-130, which includes the permit filing procedures consistent with the 2011 statute.	None needed
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.	Forest practices are not permitted by the city in shoreline. No changes recommended.	N/A
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Puyallup does not see the need to clarify this in city SMP as no federal lands occur in the city limits.	N/A
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	City has adopted WAC 173-27-080 by reference; city will adopt recommended language.	Chapter 8, Section K – Non-conforming use, lot or development. Added definitions for each term based on definitions in the checklist guidance. Updated and added definitions as needed to Chapter 2.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	Chapter 8, Section B – Administrative Responsibilities, subsection 4 – Planning Commission already includes process information about periodic reviews	Added a reference to WAC 173-26-090.
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	Puyallup SMP does not include a description of the SMP submittal process.	N/A
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.		
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	City adopts WAC 173-27-040 by reference; as such, no specific amendment is needed to address this change.	N/A

Row	Summary of change	Review	Action
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	City adopts the use of the “most current Washington Department of Ecology Wetland Rating System for Western Washington” in PMC 21.06.910.	N/A
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	City proposes adoption of WAC 173-27-125 by reference in Chapter 8 of Puyallup SMP	Added adoption by reference in Chapter 8, Section A – Shoreline Management Permit and Enforcement Procedures.
2014			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Puyallup has no existing FOWRs; no amendments are needed.	N/A
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	The Puyallup SMP does not describe the appeal steps for amendments to shoreline master programs; appeals would be reviewed for consistency with RCW 90.58.190.	N/A
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	PMC 21.06.910 (1): “Wetlands are those areas identified through any and all technical wetland delineation manuals as required by RCW 36.70A.175. Wetland delineations will be conducted in accordance with the current manual(s) required to be utilized by the Department of Ecology, including federally approved Army Corps of Engineers manual(s) and regional supplements.”	N/A
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	City of Puyallup has no saltwater shorelines, therefore no SMP amendments are required.	N/A

Row	Summary of change	Review	Action
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	City of Puyallup has no floating homes and does not need to amend their SMP to address this statute.	N/A
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	This law is optional. Puyallup will retain existing SMP regulations regarding these uses.	N/A
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	City adopted current SMP in January, 2016, which meets these requirements and adopts the 14-day effective date by reference.	N/A
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.	City will adopt WAC 173-27-215 by reference.	Added adoption by reference to Chapter 8, Section A – Shoreline Management Permit and Enforcement Procedures.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Use of wetland mitigation banking is already allowed in a CAO adopted by reference in SMP – PMC 21.06.980 (3).	N/A
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	City will adopt example language into Chapter 8, Administration.	Created Chapter 8, Section L – Moratoria Authority and Requirements. Language is based on the checklist guidance.
2007			
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.	Update definition of floodway in Chapter 2.	Added to the definition of “floodway” to include area established in FEMA maps in Chapter 2 – Definitions, “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.	Maps exist in the current SMP and no new waterbodies have been identified.	N/A

Row	Summary of change	Review	Action
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.	Exemption is cited in Puyallup SMP, no change is needed at this time.	N/A

## 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	Action
<b>All sections</b>	Updates to formatting and external references	Updated formatting and renumbered items for consistency throughout the document. Updated any external references that had changed.
<b>Chapter 1, page 1-4</b>	Advised by Kim Van Zwahlenberg from Ecology that "We recommend that the SMP contain a soft reference to its flood hazard regulations and that these be implemented separately from the SMP." This will prevent any changes to flood hazard regulations from requiring an SMP amendment. This will also prevent applicants who need to deviate from flood hazard regulations from needing a shoreline variance.	Moved Flood Damage Protection reference to its own line under E. Relationship to Other Plans and Regulations and changed the language to a soft reference instead of incorporating directly into the SMP.
<b>Chapter 7, Table 1, Footnote 8</b>	Updated footnote to reference the SMP text directly instead of paraphrasing it, to improve clarity.	Deleted existing footnote and replaced with a direct reference to Chapter 7. L.
<b>Chapter 7, Section J</b>	Reorganize section to better identify how single-family and appurtenant structures and improvements are permitted.	Reorganized section to clarify permitting of single-family residential uses and included internal Chapter references. Added in details from Chapter 173-27 WAC to improve clarity: <ul style="list-style-type: none"> <li>- Added details on single-family residential exemption from a Shoreline Substantial Development Permit.</li> </ul>

		<ul style="list-style-type: none"> <li>- Added clarification on the status of pre-existing private docks and allowed maintenance and repair.</li> <li>- Added detail on regulations pertaining to flood control and shoreline protection and clarified that bulkheads are only allowed if demonstrated need is shown.</li> <li>- Added clarification on when a shoreline variance is required for a home addition.</li> <li>- Expanded description of residential appurtenances and placement.</li> </ul>
<b>Chapter 7, Section J</b>	Minimize impacts of residential fences in the shoreline jurisdiction. Puyallup Planning Commission expressed desire to prohibit treated wood and chainlink fences in the shoreline jurisdiction due to safety and pollutant concerns.	Added item to Section J.e.i to prohibit treated wood and chainlink fences in the shoreline jurisdiction.
<b>Chapter 8, Section B, subsections 1 &amp; 2</b>	Modify Shoreline Administrator's responsibilities to include granting/denying Shoreline Substantial Development Permits; strike this permit type from the Hearing Examiner's authority list.	Added granting/denying Shoreline Substantial Development Permits to Shoreline Administrator responsibilities and removed from Hearing Examiner authority.
<b>Chapter 8, G</b>	Add further clarification on the public hearing process.	Added text to clarify that public hearings should only be held after staff have reviewed and collected sufficient information on the proposal and after the 15 day public hearing notice period.
<b>Chapter 8, Section G, subsection 4</b>	Text in this section repeated from PMC 2.54.110 should be removed in case it becomes out of date in the future.	Removed text from PMC 2.54.110 and kept reference instead, to ensure the SMP stays current as code is updated.
<b>Chapter 8, I</b>	Separated permit filing and permit revisions for clarity.	Edited text to separate permit filing and permit revisions. Added reference to WAC on filing requirements to the Department of Ecology.
<b>Puyallup Critical Area Ordinance (PMC Title 21.06)</b>	Updated wetland criteria for chapter applicability, added additional text for clarification	Changed exceptions from Article IX. Wetlands to be more robust (lowered size and Washington Wetland Rating System point thresholds for certain circumstances).

		Added additional language to prevent exceptions for wetlands that contain priority habitat or federally listed species, their habitat, or species of local importance.
<b>PMC Title 21 21.06.130 Findings.</b>	Currently the Puyallup Municipal Code does not include a reference to the SMP document which has made it challenging with code compliance citations. Amending code to add a reference in the City's critical area code.	Added a reference to the SMP document and shorelines of the state in Title 21 21.06.130 Findings.