

CITY OF LANGLEY 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
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Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Not applicable. City does not have freshwater shoreline jurisdiction.	No action identified.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable. No open water disposal sites managed by Dredged Material Management Program within City jurisdiction.	No action identified.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	2013 SMP does not include a full list of fish habitat enhancement projects types, but provides cross-references to the full list. Amendment applied on its effective date, regardless of whether the exemption is specifically listed in the SMP.	No action identified.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	2013 SMP includes an outdated cost threshold for substantial development (at 7.6.3, 1).	<p>Potential action identified: <i>Mandatory:</i> Update cost threshold for substantial development (at 7.6.3, 1).</p> <p><i>Optional:</i> Consider just referencing the exemptions in WAC 173-27-040 to avoid having obsolete exemption language in the SMP in the future.</p> <p>→ Proposed action: Updated cost threshold for substantial development (at 7.6.3, 1).</p>
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Definition of “Development” (at 8.1.1, 28) does not clarify that dismantling or removing	Potential action identified: <i>Recommended:</i> Modify the definition of “Development”

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		structures does not constitute “development.”	to be consistent with Ecology’s example definition. → Proposed action: Modified the definition of “Development” to be consistent with Ecology’s example definition.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	2013 SMP does not refer to exceptions to local review under WAC 173-27-044 or -045. The exceptions apply whether or not they are included in the SMP.	Potential action identified: <i>Recommended:</i> Add a section to the SMP that addresses exceptions to local review (potentially in 7.6, Shoreline Permits and Exemptions). → Proposed action: Added a regulation to the SMP that addresses exceptions to local review at 7.2, 6.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	2013 SMP includes information on permit filing procedures consistent with the 2011 statute (in 7.7, Ecology Review). Permit filing procedures not required to be included in SMP.	Potential action identified: <i>Optional:</i> Consider further aligning the information on permit filing procedures (in 7.7, Ecology Review) with Ecology’s example language. → Proposed action: Added additional permit filing details to the SMP that addresses exceptions to local review at 7.7, Ecology Review.
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.	Not applicable. 2013 SMP prohibits forest practices.	No action identified.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Not applicable. The City does not have any lands within its shoreline jurisdiction exclusively under federal jurisdiction.	No action identified.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	2013 SMP contains local provisions regarding nonconforming uses and development (at 7.9, Non-	Potential action identified: <i>Recommended:</i> Remove the definition of “Nonconforming use or Development” (at 8.1.1,

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		<p>conforming Uses, Structures and Lots); therefore, the “default” provisions would not apply. The SMP includes a definition of “Nonconforming use or Development” (at 8.1.1, 74). In contrast, the state standards for nonconforming use and development (at WAC 173-27-080) include three distinct definitions for “Nonconforming use,” “Nonconforming development” or “nonconforming structure,” and “Nonconforming lot.”</p>	<p>74), and replace with the definitions for “Nonconforming use,” “Nonconforming development” or “nonconforming structure,” and “Nonconforming lot” in the state standards for nonconforming use and development (at WAC 173-27-080).</p> <p> Optional: Review the recently revised state standards for nonconforming use and development (at WAC 173-27-080) and consider whether any amendments should be made to local provisions regarding nonconforming uses and development (at 7.9).</p> <p>→ Proposed action: Revised definitions as recommended above. Included provision regarding nonconforming single-family residences from state standards for nonconforming use and development at 7.9, C.4.</p>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	2013 SMP does not describe the scope and process for conducting periodic reviews. Scope and process for conducting periodic reviews not required to be included in SMP.	No action identified.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2013 SMP does not address SMP amendment processes. SMP amendment processes are not required to be included in SMP.	No action identified.
j.	Submittal to Ecology of proposed SMP amendments.	2013 SMP does not address process for submittal of proposed SMP amendments	No action identified.

Row	Summary of change	Review	Action
		to Ecology. Submittal process for proposed SMP amendments is not required to be included in SMP.	
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	2013 SMP does not include this exemption in the list of exemptions (at 7.6.3). Exemption is applicable whether or not included in SMP.	<p>Potential action identified: <i>Mandatory:</i> If the list of exemptions (at 7.6.3) is maintained (see discussion under “Optional” in Row “a” of 2017), add this exemption to the list.</p> <p>→ Proposed action: Exemption added to 7.6.3, 16.</p>
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	2013 SMP adopts by reference certain critical areas provisions of LMC Chapter 16.20 (at 4.3.2, A.1). LMC 16.20.055 indicates that wetlands shall be classified using the 2004 wetland rating system, as revised (at LMC 16.20.055, B). However, LMC 16.20.055 is not included in the provisions that are listed in 4.3.2, A.1.	<p>Potential action identified: <i>Mandatory:</i> Ensure that the wetland rating system provision is integrated into the SMP.</p> <p>→ Proposed action: Requirement for 2014 wetlands ratings system added to 4.3.2, A.2.b.</p>
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Not applicable. The City does not have any state highways.	No action identified.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not applicable. The City does not have any floating on-water residences.	No action identified.
Note: Below changes occurred prior to adoption of 2013 SMP.			
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	2013 SMP does not contain specific steps or language for appealing amendments. SMP appeals procedures are not	No action identified.

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		required to be included in SMP.	
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	2013 SMP requires wetlands be delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements (at 4.3.2, A.2.a).	No action identified.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	2013 SMP includes commercial geoduck regulations (6.3.2, 11-13) that appear consistent with the Ecology adopted rules.	<p>Potential action identified: <i>Optional:</i> Regarding conditional use permits for commercial geoduck aquaculture, consider specifying (in 6.3.2) the public notice requirement for property owners within three hundred feet of the proposed project boundary and for tribes with usual and accustomed fishing rights to the area.</p> <p>→ Proposed action: None. Addressed by existing City noticing provisions.</p>
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable. The City does not have any established floating homes and the SMP prohibits them.	No action identified.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	2013 SMP does not exercise this option.	No action identified.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	SMP does not optionally describe the effective date of SMP amendments.	No action identified.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	2013 SMP reflects “relief” procedures (at 5.7.2, 11-14). Language includes some, but not all, of Ecology’s example text.	<p>Potential action identified: <i>Recommended:</i> Reformat “relief” procedures language in SMP to be clearer. Or, consider just including a more basic reference to WAC 173-</p>

Row	Summary of change	Review	Action
			27-215 given the limited applicability of this provision. → Proposed action: Added reference to WAC 173-27-215 at 5.7.2, 11.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Critical areas regulations incorporated into the SMP allow for the use of mitigation banking (at LMC 16.20.085, B.8.c.(3)).	No action identified.
c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not address moratoria authority and procedures. City can rely on statute for moratoria authority and procedures.	No action identified.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	2013 SMP definition of "floodway" references both FEMA mapping and the SMA floodway criteria (at 8.1.1, 45).	Potential action identified: <i>Recommended:</i> Define the floodway as the area established in FEMA maps for predictability and consistency. → Proposed action: Defined the floodway as the area established in FEMA maps.
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.	2013 SMP includes a list on page 15 and map on page 21.	Potential action identified: <i>Optional:</i> Add a more legible map and locate the map with the list on page 15. → Proposed action: More legible map included as Appendix A.
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.	2013 SMP includes such projects in the list of exemptions (at 7.6.3, 15).	No action identified.