

SHORELINE MASTER PROGRAM PERIODIC REVIEW

SMP Periodic Review Checklist for City of McCleary

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 2021 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
2022			
a.	Office of Financial Management (OFM) adjusted the cost threshold for substantial development to \$8,504.	The SMP lists a definition for “substantial development” in Chapter 2, Definitions, at #67. This definition includes an outdated cost threshold, but also includes reference to inflation adjustments by the OFM every five years.	Recommended: Update the definition of “substantial development” to reflect the current cost threshold of \$8,504. Also note in the definition that this cost threshold became effective July 1, 2022 and that the next adjustment is due July 1, 2027.
2021			
a.	The Legislature amended floating on-water residence provisions	New over-water residences are prohibited within the City of McCleary, as stated by the SMP in Section 7.14, Residential Development, Provision 6. Therefore, this legislative change does not apply.	No action necessary or recommended.
b.	The Legislature clarified the permit exemption for fish passage projects	SMP Section 8.3, Exemptions, Provision 2, references several state laws that exempt specified activities from shoreline substantial development permit requirements. The referenced state laws include the permit exemption for fish passage projects, in RCW 90.58.147.	No action necessary or recommended.
2019			
a.	OFM adjusted the cost threshold for building freshwater docks .	SMP Section 8.3, Exemptions, Provision 2, references several state laws that exempt specified activities from shoreline substantial development permit requirements. The referenced state laws address the adjusted cost threshold for building freshwater docks, in RCW	No action necessary or recommended.

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		90.58.030(3)(e) and WAC 173-27-040(2).	
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. The City of McCleary does not have a Dredged Material Management Program site within its shoreline jurisdiction.	No action necessary or recommended.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Not applicable. The City does not have marine shorelines.	No action necessary or recommended.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	This 2017 change superseded by a 2022 change. See 2022, Row a, above. See 2022, Row a, above.	This 2017 change superseded by a 2022 change. See 2022, Row a, above.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	The SMP lists a definition for “development” in Chapter 2, Definitions, at #17. This definition does not include the clarification provided in this legislative update.	Recommended: For clarification, add the following sentence to the existing definition for “development”: <i>“Development” does not include dismantling or removing structures if there is no other associated development or re-development.</i>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not specify “exceptions” to local review. However, the exceptions apply whether or not they are specified in the SMP.	Recommended: To highlight the potential applicability of these exceptions, add the following text as a new section of SMP Chapter 8, Administration, Permits and Enforcement. <i>8.3 Exceptions (1) 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: A. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a</i>

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			<p><i>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.</i></p> <p><i>B. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of National Pollutant Discharge Elimination System stormwater general permit.</i></p> <p><i>C. 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.</i></p> <p><i>D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</i></p> <p><i>E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.</i></p>
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	The SMP details permit filing procedures in Section 8.8, Filing with Ecology. The SMP defines “date of filing” in Chapter 2, Definitions, at #16. This content appears consistent with the amended rules for permit filing procedures.	No action necessary or recommended.
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.	The SMP allows forest practices, but commercial forestry activities are likely to occur on a very limited basis within the City. The amended forestry use regulations still apply even if not included in the SMP.	No action necessary or recommended.

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f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction .	SMP Section 1.3, Applicability, Provision 3, indicates that federal agencies must comply with WAC 173-27-060, which describes the applicability of RCW 90.58 to federal lands and agencies. Lands under exclusive federal jurisdiction are not known to occur within the City's shoreline jurisdiction.	No action necessary or recommended.
g.	Ecology clarified "default" provisions for nonconforming uses and development .	For nonconforming uses and development, SMP Section 8.2, Nonconforming uses, lots and structures, Provision 1, references applicable provisions in McCleary Municipal Code Chapter 17.36, Nonconforming Uses, Lots and Structures. Therefore the "default" provisions do not apply.	No action necessary or recommended.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	This change is not typically related to specific language in SMPs. The SMP does not have language affected by this change.	No action necessary or recommended.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Amendments to the SMP are addressed in Section 8.13, Amendments. This section does not include reference to the optional amendment process in WAC 173-26-204. The optional amendment process is likely to be used by the City for future SMP amendments.	Recommended: Add a reference to the optional amendment process in WAC 173-26-204 to Section 8.13, Amendments (Section 8.14, Amendments, of the proposed SMP).
j.	Submittal to Ecology of proposed SMP amendments.	This change is not typically related to specific language in SMPs. The SMP does not have language affected by this change.	No action necessary or recommended.
2016			
Current City of McCleary SMP Locally Adopted July 13, 2016			
a.	The Legislature created a new shoreline permit exemption for	SMP Section 8.3, Exemptions, Provision 2, references several state laws that exempt	No action necessary or recommended.

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	retrofitting existing structures to comply with the Americans with Disabilities Act (ADA) .	specified activities from shoreline substantial development permit requirements. The referenced state laws address this ADA exemption, in RCW 90.58.030(3)(e) and WAC 173-27-040(2).	
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	SMP Appendix B, Section 2, Wetlands, requires limited updates to align with recent Ecology wetland guidance. SMP Appendix B, Subsection 2.4 includes an exemption for small wetlands that is inconsistent with current Ecology guidance. Also, SMP Appendix B, Table B2-1 includes outdated habitat score ranges.	Required: Remove the exemption for small wetlands in SMP Appendix B, Subsection 2.4. Update the habitat score ranges in SMP Appendix B, Table B2-1.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not reference the 90-day target for WSDOT projects. The City's shoreline jurisdiction features a very limited amount of WSDOT-managed roads. Addressing this change in the SMP is not required.	No action necessary or recommended.
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 such floating on-water residences.	No action necessary or recommended.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	This change is not typically related to specific language in SMPs. The SMP does not have language affected by this change.	No action necessary or recommended.
2011			
a.	Ecology adopted a rule requiring that wetlands	SMP Appendix B, Section 2, Wetlands, Provision 2.2.B,	No action necessary or recommended.

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	be delineated in accordance with the approved federal wetland delineation manual .	specifies that wetlands be delineated in accordance with the approved federal delineation manual and applicable regional supplements.	
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable. The City does not have marine shorelines.	No action necessary or recommended.
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 such floating homes.	No action necessary or recommended.
d.	The Legislature authorized a new option to classify existing residential structures as conforming .	This option is not exercised in the SMP.	No action necessary or recommended.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	The SMP includes Shoreline Critical Areas Regulations in Appendix B. SMP Section 1.7, Effective Date, Provision 1, states that the SMP and amendments “shall become effective 14 days from the date of Ecology’s written notice of final action.”	No action necessary or recommended.
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.	SMP Section 7.15, Shoreline habitat and natural systems enhancement projects, Provision 6, addresses these relief procedures. However, example language provided by Ecology for referencing these relief procedures may provide additional clarity.	<p>Recommended: Replace the language in SMP Section 7.17, Shoreline habitat and natural systems enhancement projects, Provision 6, with the following language based on Ecology’s example language for referencing these relief procedures:</p> <p><i>Relief from development standards and use regulations. The City may grant relief from development standards and use regulations in the City’s Shoreline Master Program resulting from shoreline restoration projects consistent with criteria and procedures in WAC 173-27-215.</i></p>

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b.	Ecology adopted a rule for certifying wetland mitigation banks.	SMP Appendix B, Section 2, Wetlands, Provision 2.9.L.A, authorizes the use of mitigation banks to compensate for unavoidable wetland impacts.	No action necessary or recommended.
c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not outline moratoria authority or procedures. The SMP is not required to address this change. The City can rely on the SMA if needed.	No action necessary or recommended.
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.	The definition for "floodway" in Chapter 2, Definitions, at #26, is consistent with Ecology guidance for jurisdictions that use FEMA maps to define the floodway.	No action necessary or recommended.
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.	SMP Section 3.1, Shoreline jurisdiction, Provision 1, lists the waters, including streams and lakes, that are in shoreline jurisdiction. SMP Appendix A includes a map of waters that are in shoreline jurisdiction.	No action necessary or recommended.
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.	SMP Section 8.3, Exemptions, Provision 2, references several state laws that exempt specified activities from shoreline substantial development permit requirements. The referenced state laws address fish habitat enhancement projects, in RCW 90.58.147.	No action necessary or recommended.

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.

Checklist Item #	SMP Section	Summary of change	Discussion