

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist – City of Gig Harbor**Introduction**

This document is intended for use by counties, cities and towns conducting 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 Shoreline Management Act (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 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: 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).

At the end: 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.

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Subsection 8.2.1.A (SSDP requirement) & Subsection 8.2.2 (a)-exemptions from Substantial Development Permit	Revise cost threshold from \$6,416 to \$7,047 (also revise Customer Assistance Memo and website as necessary)
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Chapter 2 definition for “development”	clarify that it doesn’t include the dismantling or removal of structures-see WAC 173-27-030(6)
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	Chapter 1, Section 1.6-applicability	Q: revise to address 3 types of development that the local SMP doesn’t apply to
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Subsection 8.5.2.A-Ecology Review-Submittal Requirements	Revise subsection 8.5.2.A to address filing with Ecology by return requested receipt mail.
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.	N/A	N/A
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Chapter 1, Section 1.6-applicability	Q: revise to clarify SMP application to projects, uses and areas under federal jurisdiction
g.	Ecology clarified “default” provisions for nonconforming uses and development.	N/A	N/A
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	N/A	N/A
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	N/A	N/A
j.	Submittal to Ecology of proposed SMP amendments.	N/A	N/A
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to	Subsection 8.2.2-Exemptions from SDP	Add new subsection 8.2.2.q to listed exemptions

Row	Summary of change	Review	Action
	comply with the Americans with Disabilities Act .		
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Confirm with Ecology that existing requirements comply with state wetland critical area guidance. Also, review GHSMP for consistency with July 2018 Ecology guidance for wetland buffers relative to current rating system and habitat tables in GHSMP Subsection 6.2.5.11.	Revise GHSMP Subsection 6.2.5 (regulations-critical areas) as necessary. Revise reference from most recent version of rating system to Wetlands Guidance for Critical Areas Ordinance Updates-Western Washington.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	N/A	N/A
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	Subsection 8.2.2-Exemptions from SDP	Add new subsection 8.2.2.h.ii raising threshold from 10 to \$20K
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	N/A	N/A
2012 (Pre-Comprehensive SMP adoption (11.25.13) & effective date (12.17.13))			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	N/A	N/A
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	N/A	N/A
b.	Ecology adopted rules for new commercial geoduck aquaculture .	N/A	N/A
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	N/A	N/A

Row	Summary of change	Review	Action
d.	The Legislature authorized a new option to classify existing structures as conforming.	See Subsection 8.11.8.d- currently addressed by existing SMP	none
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	N/A	N/A
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.	N/A	N/A
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Subsection 6.2.5.16.2	Add new Subsection 6.2.5.16.2.d that allows credits from a certified mitigation bank to be used to compensate for unavoidable impacts
c.	The Legislature added moratoria authority and procedures to the SMA.	N/A	N/A
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.	Chapter 2-Definitions	Revise per Ecology “option 1” example language
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.	N/A	N/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.	N/A	N/A
2018	Proposed City of Gig Harbor Revisions		

Row	Summary of change	Review	Action
	Add shoreline permit application requirements addressed by WAC 173-27-180 GHSMP Section 8.3 (application requirements).	Section 8.3 (application requirements)	Revise Section 8.3 by providing a reference to the application requirements of WAC 173-27-180
	Amend GHSMP 7.18 (Residential Section) to reference liveaboards as a permitted use per marina section	Section 7.18 (Residential) and provide reference to Section 7.11 (Boating & Marinas: Piers, Docks & Moorage)	Revise existing subsection 7.18.2.1 to note that liveaboards are allowed per subsection 7.11.9.3.f
	Amend GHSMP Subsection 7.1.1 (Permitted Use Tables) and Table 7-2 (use matrix) by adding water-related and water-enjoyment uses located waterward of OHWM in new structures to use matrix as a conditionally listed use in the City Waterfront & Historic Working Waterfront S.E.D.'s.	Subsection 7.1.1, Table 7-2- Shoreline Use Matrix, and GHSMP Section 7.12 (Commercial Uses)	Revise existing regulation by eliminating the limitation that water-related and water-enjoyment uses only be allowed in “existing structures” as a listed conditional use. Consider limiting the use and size of structures located water ward of the OHWM and the addition of additional review criteria for such structures. In the alternative, consider adding a prohibition symbol to the use matrix if the Planning Commission and City Council do not approve of such a revision to clarify the table.
	Amend GHSMP Subsection 7.1.1 (Permitted Use Tables), Table 7-2 (Use Matrix) & Subsection 7.20.4 (Parking Regulations) by adding principal use public parking areas as a conditionally listed use in the City Waterfront SED.	Review GHSMP Chapter 2 (definitions), Subsection 7.1.1- Table 7-2 Use Matrix and GHSMP subsection 7.20.4 (parking regulations).	Create a definition in GHSMP Chapter 2 for principle use public parking areas, amend Subsection 7.1.1-Table-2, Use Matrix and Subsection 7.20.4, Parking Regulations, to allow principle use public parking areas as a conditionally allowed use in the City Waterfront SED.
	Amend Subsection 6.2.5.23 (Critical Fish & Wildlife Habitat Areas) consistent with revisions to GHMC Chapters 18.08 & 18.10 to address proposed FEMA Special Flood Hazard Area Regulations (door 2B approach)	Review Subsection 6.2.5.23.C.2 & 3 (Habitat Assessment & Habitat Management Plan regs) & 6.2.5.23.D (buffer requirements).	Revise Subsections 6.2.5.23.C.2 & 3 (Habitat Assessment & Habitat Management Plan regs) & 6.2.5.23.D (buffer requirements) to tighten-up agency review process and increase minimum required buffer from 25-50 feet in width.

Row	Summary of change	Review	Action
	Amend Subsection 6.5.2.4 (Public Access) to address conditions that don't require public access	Review Subsection 6.5.2.2, 6.5.2.3 & 6.5.2.4	Revise Subsection 6.5.2.4 to reference Subsection 6.5.2.3, not Subsection 6.5.2.2.
	Amend Subsection 6.2.5.13(1)(b) (Wetlands-Permitted Uses in Buffer Areas) to clarify where pervious trails and viewing platforms can be located within a wetland buffer. See GHMC 18.08.120.B for correct citation.	Review Subsection 6.2.5.13(1)(b)	Revise Subsection 6.2.5.13(1)(b) to clarify that it only applies to category 1 wetlands
	Amend Subsection 6.2.5.13 (Wetlands-Permitted Uses in Buffer Areas) to reference subsection 6.2.5.11, not 6.2.5.10 (see 1.1.ii, 1.3, & 1.h)	Review Subsection 6.2.5.13 for inaccurate reference to wetland report, not wetland buffer requirement	Revise subsection to reference GHSMP subsection 6.2.5.11
	Amend GHSMP subsection 6.2.3.2(2) (Marine-Vegetation Conservation Strip) to address structures & "uses"	Review GHSMP subsection 6.2.3.2	Revise to clarify the applicability of the requirement to uses and structures.
	Amend GHSMP subsection 7.20.4(1) (Parking Regulations) for consistency with definition for "principal use parking"	Review Chapter 2 (definitions) and subsection 7.20.4(1) for consistent use of terms	Revise subsection 7.20.4(1) consistently with definition for "principal use parking" set forth in GHSMP Chapter 2.
	Amend GHSMP Chapter 2 (definitions) to correct "development" definition for proper spelling of "Shoreline" not "Shorelines" as in Shoreline Management Act of 1971.	Review Chapter 2 (definitions) and definition for development for correct spelling of "Shoreline"	Revise spelling for Shoreline set forth in the definition for development in GSMP Chapter 2
	Amend GHSMP Chapter 2 (definitions) to revise the existing definition for "Utilities" to include storm water.	Review GHSMP Chapter 2 and Section 7.21 (Utilities) for consistency	Revise Utilities definition in GHSMP Chapter 2 to include storm water
	Amend GHSMP Chapter 2 (definitions) by adding a new definition for "navigational aids"	Review WAC 352-66-050 (Aids to Navigation), WAC 173-27-040(2)(f) and Ecology guidance.	Create new definition for "navigational aids." Navigational aids include lights, channel markers and anchor buoys placed in accordance with Coast Guard Standards & requirements of WAC 352-66-050 and not moorage buoys or dolphins used for the moorage of commercial or recreational vessels.

Row	Summary of change	Review	Action
	Amend GHSMP Chapter 2 (definitions) to revise the definition for “Substantial Development” to the new \$7,047 cost threshold for requiring a SSDP	Review GHSMP Chapter 2 (definitions) and definition for Substantial Development for consistency with the current SSDP cost threshold	Revise the definition for “substantial development” consistent with current SSDP cost threshold
	Amend GHSMP Chapter 2 (definitions) by adding a new definition for “Harbor Area.”	Review Wa. DNR definitions in RCW 79.105.060	Create new definition for “Harbor Area” consistent with DNR definition for same in RCW 79.105.060
	Amend GHSMP Chapter 2 (definitions) to add definitions for First-Class Tidelands, Second-Class Tidelands & Tidelands	Review Wa. DNR definitions in RCW 79.105.060	Create new definitions for First & Second Class Tidelands and Tidelands
	Amend GHSMP Subsection 7.21.2(8) (Utilities-Regulations) to add additional review criterion for utility conveyance systems.	Review GHSMP Section 7.21 for consistency with the city’s Ecology approved storm water manual requirements	Revise subsection 7.21.2(8) to include consistency with Ecology approved storm water manual as one of applicable review criteria for storm water conveyance systems located within shoreline jurisdiction.
	Additional Review for Consistency		
	Comprehensive Plan Consistency	The Harbor Element-Chapter 3	No action required-existing and proposed revisions remain consistent with the element.