

Benton County SMP Periodic Review Checklist

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	2015 SMP includes reference to previous \$6,416 cost threshold.	Section 15.02, amend definition of Substantial Development cost threshold to new inflation-adjusted amount of \$7,047.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2015 SMP does not clarify that removing structures does not constitute “development.” This issue has come up at the counter frequently enough that staff recommend adding this optional clarification to the SMP.	Section 15.02, amend definition of development to include Ecology example code.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	Ecology’s revised rule addressing exceptions incorporated a 2015 Legislative statutory exceptions for WSDOT projects that went into effect after the 2015 SMP was approved.	Add new Section 15.04.120, include new language based on Ecology example code.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	2015 SMP describes filing procedures for permit by stating “permits shall be filed with Department of Ecology pursuant to WAC 173-27-130.” Ecology amendments apply to the County, but no local amendments are needed.	N/A
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. No commercial forestry in County.	N/A
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Benton County has jurisdiction over SDPs on Hanford Nuclear Reservation, as applicable	N/A

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g.	Ecology clarified “default” provisions for nonconforming uses and development .	2015 SMP includes tailored nonconforming use and development provisions.	No amendments needed. County will retain existing nonconforming use and development provisions.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	2015 SMP already referenced statutory obligation to conduct reviews under RCW 90.58.080. County may follow Ecology procedures for conducting reviews without amending the SMP.	No amendments needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2015 SMP does identify amendment process but doesn’t specify this optional amendment process for shared comment period	No amendment to SMP needed. SMP provides flexibility to follow optional process.
j.	Submittal to Ecology of proposed SMP amendments.	2015 SMP does include description of the SMP submittal process, and also relies on state rule.	No amendments to SMP needed. County will meet state requirements.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	2015 SMP incorporates the WAC by reference which includes this exemption	No amendments to SMP needed. County will meet state requirements.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Standards in SMP and County CAO based on 2014 wetlands rating system	No amendments to SMP needed. County will meet state requirements.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2015 SMP was adopted prior to effective date of 2015 legislation.	Section 15.07.150, adopt Ecology example code incorporating direction to conduct review consistent with legislative targets.
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).	2015 SMP incorporates the WAC by reference which includes this exemption	No amendments to SMP needed. County will meet state requirements.
b.	The Legislature created a new definition and policy for floating	The County includes no floating on-water residences.	N/A

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	on-water residences legally established before 7/1/2014.		
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	County will rely on existing SMP language, and state laws and rules.	N/A
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Incorporated into 2015 SMP.	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.	The County includes no floating on-water residences.	N/A
d.	The Legislature authorized a new option to classify existing structures as conforming .	Incorporated into 2015 SMP.	N/A
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Incorporated into 2015 SMP.	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.	Incorporated into 2015 SMP.	N/A
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Incorporated into 2015 SMP.	N/A
c.	The Legislature added moratoria authority and procedures to the SMA.	Incorporated into 2015 SMP.	N/A
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been	Incorporated into 2015 SMP.	N/A

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	established in FEMA maps, or the floodway criteria set in the SMA.		
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.	Incorporated into 2015 SMP.	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.	Incorporated into 2015 SMP.	N/A

Proposed Housekeeping changes to the 2021 Periodic Shoreline Master Program

Cover	update to reflect new approval dates and Grant No.
Inside Cover	Added text listing adoption and amendment dates
Intro Page	Updated text to reflect current information
Page 14	Added text regarding the 2021 Periodic Update
All pages	Updated the date on the footers on all pages.
Page 21	<p>Delete Definition for Board of Adjust and add text regarding Hearing Examiner</p> <p>"Board of Adjustment" means the County board which hears applications for variances, conditional use permits, and other quasi-judicial matters assigned to it by the legislative body. <u>"Hearings Examiner" means an examiner appointed by the Board of County Commissioners, authorized to hear and make decisions on variances, land use permits, and certain appeals.</u> Appeals may be taken to the Board <u>Hearings Examiner</u> by any person aggrieved, or by any officer, department, board or bureau of the county affected by appealable decisions of the director.</p>
Page 71	15.06.050 and 060 Housekeeping edit to replace "BCC" with "Section"
Page 72	15.06.060 Housekeeping edit to replace "BCC" with "Section"
Page 73	15.06.070 Housekeeping edit to replace "BCC" with "Section"
Page 91	15.08.020 Housekeeping edit to replace "BCC" with "Section"