

## CITY OF SHELTON SHORELINE MASTER PROGRAM PERIODIC REVIEW 2020-2021

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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                       |
| <a href="#">Jason Dose</a> | <a href="#">City of Shelton</a> | <a href="#">10/23/2020</a> |

| Row         | Summary of change  | Review  | Action  |
|-------------|--|---|---|
| <b>2019</b> |  |   |   |
| a.          | OFM adjusted the <b>cost threshold for building freshwater docks</b>   | The City of Shelton Shoreline Master Program contains a cost threshold for building freshwater docks though it references a lower fair market value (section 2.3.2(1)h of the City of Shelton Shoreline Master Program.   | **Staff recommends amending the language contained in Section 2.3.2(1)h of the City of Shelton Shoreline Master Program to reflect the updated language.          |
| 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> ) | Does not apply to Mason County or the City of Shelton.  | No change required.   |
| c.          | The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.   | The City of Shelton Shoreline Master Program broadly identifies any project that is “designed to improve fish or wildlife habitat or fish passage” in Section 2.3.2(1)p.  | **Staff considers the section to be compliant as it broadly defines fish and wildlife habitat enhancement projects as being exempt. No change required. Thoughts? |
| <b>2017</b> |  |   |   |
| a.          | OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.   | The City of Shelton 2013 Shoreline Master Program includes reference to the previous \$6,416 cost threshold (pages 2-3, Substantial Development Permit, and 8-19, definitions).   | **Staff recommends adding the new cost threshold to applicable sections.  |
| b.          | Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.   | The City of Shelton 2013 Shoreline Master Program does not clarify that removing or demolition of structures does not constitute “development”. In fact, City staff was made aware of this by Ecology staff when reviewing the total demolition and reconstruction of our | **Staff recommends changing the definition for clarity.   |

| Row | Summary of change  | Review   | Action   |
|-----|--|--|--|
|     |  | Oakland Bay Waterfront Lumber Mill.  |  |
| c.  | Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>  | The City of Shelton 2013 Shoreline Master Program List of Exemptions (page 2-4) lists WAC 173-27-044 as applicable but does not list the items specifically. The section implies that the activities are subject to compliance with the SMP. | **Staff recommends creating a separate section (following the list of exemptions) as the DOE guidance suggests.  |
| d.  | Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.   | The City of Shelton 2013 SMP contains provisions for Ecology Review (Page 7-6, "Ecology Review" of the SMP) though they do not seem consistent with the statute.   | **Staff recommends removing the language contained on page 7-6, "Ecology Review", and replacing it with the example language provided by Ecology.  |
| 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. | The City of Shelton 2013 SMP contains provisions for Forest Practices (Page 6-26, section 6.8) and seems to be compliant.  | **Staff recommends adopting additional language, similar to the ecology provided language, to clearly state that forest practices that only involve timber cutting is not a development under the act. |
| f.  | Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>  | The City of Shelton 2013 SMP does not specifically have provision for lands under exclusive federal jurisdiction as there are no lands under exclusive federal jurisdiction within our corporate limits nor the Urban Growth Area.           | **Staff recommends adding an item 12 to the "Applicability" section of the SMP which clarifies the issue utilizing the sample language from Ecology.   |
| g.  | Ecology clarified "default" provisions for <b>nonconforming uses and development.</b>  | The City of Shelton 2013 SMP contains fairly detailed descriptions and allowances for Nonconforming uses, developments, and lots in section 2.4, pages 2-13 through 2-15.  | **Staff recommends no change.  |
| h.  | Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>   | The City of Shelton 2013 SMP contains language relating to periodic review in Section 7.10 on page 7-11.   | **Staff recommends no change.  |

| Row         | Summary of change  | Review  | Action  |
|-------------|--|---|---|
| i.          | Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.                 | The City of Shelton 2013 SMP does not refer to WAC 173-26-104.  | **Staff recommends amending the language on page 7-11 (Section 7.11) to cite 173-26-104 and also specifically mention the Optional joint review process as an option. |
| j.          | <b>Submittal</b> to Ecology of proposed SMP amendments.  | The City of Shelton 2013 SMP contains language that refers to WAC 173-26-100 and WAC 173-26-110 but does not refer to WAC 173-26-120 (page 7-11, section 7.11)  | **Staff recommends amending the language on page 7-11 (Section 7.11) to Specifically reference WAC 173-26-120 in addition to 100 and 110.                             |
| <b>2016</b> |  |   |   |
| a.          | The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> . | The City of Shelton 2013 SMP does not contain the noted language.   | **Staff recommends adding a new part "r" to the list of exemptions contained in Section 2.3.2.  |
| b.          | Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.                           | The City of Shelton 2013 SMP does not contain the noted language. I have two options. 1) Amend my CAO to make the change applicable to City Limits. 2) Amend the language in Section 5.5 of the SMP to note the changes as applicable to the Shoreline areas. | **Staff will likely amend the City's Critical Areas Regulations, contained in Chapter 21.64 of the Shelton Municipal Code, to address the changes.                    |
| <b>2015</b> |  |   |   |
| a.          | The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.                       | The City of Shelton 2013 SMP does not contain the noted language.   | **Staff recommends inserting the noted, sample, language offered by DOE. It will be added in Chapter 7 (Administration) of the Shoreline Master Program.              |
| <b>2014</b> |  |   |   |
| a.          | The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.                         | The City of Shelton has no Floating On Water Residences. The City of Shelton 2013 SMP does not allow for any new, over water, residences (let alone floating residences).   | **Staff recommends adding language specifically prohibiting floating, on-water, residences. It will be added to the Shoreline Use Matrix (as an "x") in table 6-1.    |

| Row  | Summary of change  | Review  | Action  |
|------|--|---|---|
| 2012 |  |   |   |
| a.   | The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .  | The City of Shelton 2013 SMP does not outline the process for appeal of the SMP.  | **Staff recommends no change to the existing SMP. |
| 2011 |  |   |   |
| a.   | Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> . | The City of Shelton 2013 SMP contains the referenced language on page 5-5 (Section 5.5.2(1)c  | **Staff recommends no change to the existing SMP. |
| b.   | Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .  | The City of Shelton 2013 SMP contains definition of “aquaculture” wording that does not consider wild Geoduck harvesting to be aquaculture (page 8-2). The City of Shelton 2013 SMP contains the required language as recommended by ECY (Section 6.5.3, Page 6-13 through 6-15). | **Staff recommends no change to the existing SMP. |
| c.   | The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011. | The City of Shelton contains no Floating Homes within its jurisdiction.   | **See item 2014a, above. Same response.           |
| d.   | The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .  | The City of Shelton 2013 SMP contains provisions for the continuation, maintenance, and (under certain circumstances) expansion of non-conforming structures. (Page 2-14).  | **Staff recommends no change to the existing SMP. |
| 2010 |  |   |   |
| a.   | The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .   | The City of Shelton 2013 SMP specifically states that uses and developments are not allowed to create a net loss of ecological function (page 5-3). The Applicable Critical Areas regulations are contained in Section 5.5 (page 5-4 through 5-7).                                | **Staff recommends no change to the existing SMP. |

| Row  | Summary of change   | Review   | Action   |
|------|---|--|--|
| 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.               | The City of Shelton 2013 SMP does not contain the noted language.  | **Staff recommends adding the language in the exemption section (relating to restoration projects) and also in the Administration Section. |
| b.   | Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .   | The City of Shelton 2013 SMP does not contain the noted language.  | **Staff recommends inserting the recommended language into a new Section 5.4(3) on page 5-4.   |
| c.   | The Legislature added <b>moratoria authority</b> and procedures to the SMA.   | The City of Shelton 2013 SMP does not contain the noted language.  | **Staff may add reference to the language in the Administration Chapter of the SMP.  |
| 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.                  | The City of Shelton 2013 SMP contains the correct definition of “Floodway” (Page 8-9).                                     | **Staff recommends no change to the SMP.   |
| 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.                       | The City of Shelton 2013 SMP contains both a map (Figure 4-1) and list (Page 2-2 and 2-3) of applicable streams and lakes. | **Staff recommends no change to the SMP.   |
| 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. | The City of Shelton 2013 SMP contains the required (albeit very lengthily!) language (page 2-9 to 2-12) referenced.        | **Staff recommends no change to the SMP.   |

### 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.

Two example formats:

*Shoreline Master Program Periodic Review Checklist (City of Shelton, WA)*

| SMP section | Summary of change | Review | Action |
|-------------|-------------------|--------|--------|
|             |                   |        |        |
|             |                   |        |        |
|             |                   |        |        |

| SMP Section | Summary of change | Discussion |
|-------------|-------------------|------------|
|             |                   |            |
|             |                   |            |
|             |                   |            |