

SHORELINE MASTER PROGRAM PERIODIC REVIEW

South Cle Elum 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
Lauren Moore	Town of South Cle Elum	3/11/2021

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Section 6.4.h describes the cost threshold for building freshwater docks.	Update 6.4.h with new cost thresholds.
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>)	N/A	No action needed
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	N/A	No action needed
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Threshold recorded as \$6,416 in Section 6.3.2.a (p. 110)	Update substantial development threshold to \$7,047.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Definition of “Development” recorded in Section 7.25 (p. 132)	Update definition to state that “ <i>Development</i> does not include dismantling or removing structures if there is no other associated development or re-development.”
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Current SMP does not address these exceptions to local review.	Create a new section to consolidate all the SMA exceptions to incorporate Ecology’s recently revised rules with all applicable statutes. New Section: 6.3 Pg 107
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Description of Appeals procedure in Section 6.10.7 (p. 125) begins the appeal period 21 days from the date of receipt. The same applies for the definition of “Transmit”	Change “date of receipt” to “date of filing” in Appeals section and definition of “Transmit.”

Row	Summary of change	Review	Action
		recorded in Section 7.94 (p. 140).	
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.	This amendment is optional and would apply to the Forest Practices regulations in Section 5.9.B (p. 81).	Update forestry use regulations to clarify that “a forest practice that only involves timber cutting is not a development under the act and does not require a shoreline Substantial Development Permit or a shoreline exemption.”
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	This amendment is optional and would apply to the Applicability section in 1.7.4 (pp. 7-8)	Update this section to clarify that “areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.”
g.	Ecology clarified “default” provisions for nonconforming uses and development .	South Cle Elum has adopted tailored rules for nonconforming uses and development in Section 6.2.D (pp. 108-109), so this amendment does not apply.	No action needed.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Current SMP does not describe scope and process for conducting periodic reviews in Section 6.13 – Amendments to the Master Program (pp. 127-128).	New Section 1.5.8 added to briefly describe the SMP Periodic Review process and cite relevant WAC and RCW provision by reference.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Local amendment procedures in Section 6.13 – Amendments to the Master Program (pp. 127-128) would not impede a shared local/state public comment period. No amendment is necessary.	No action needed.
j.	Submittal to Ecology of proposed SMP amendments.	Submittal process described in Section 6.14 (p. 130).	No action needed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to	Permit exemptions listed in Section 6.3.2 (pp. 110-116).	Add ADA exemption to the list of shoreline permit exemptions in new subsection (q).

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	comply with the Americans with Disabilities Act .		
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Section 4.2.F.4 (p. 35) refers to the Washington State Wetland Rating System for Eastern Washington, the procedure outlined in WAC 173-22-035, and the appropriate rating forms approved by the Washington State Department of Ecology.	No action needed.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	WSDOT projects are not described in current SMP. This amendment is optional.	No action needed.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	South Cle Elum has no existing floating on-water residences. This amendment is not applicable.	No action needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	N/A	No action needed
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	N/A	No action needed
b.	Ecology adopted rules for new commercial geoduck aquaculture .	N/A	No action needed
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	N/A	No action needed
d.	The Legislature authorizing a new option to classify existing structures as conforming .	N/A	No action needed

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2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	N/A	No action needed
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	No action needed
b.	Ecology adopted a rule for certifying wetland mitigation banks.	N/A	No action needed
c.	The Legislature added moratoria authority and procedures to the SMA.	N/A	No action needed
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.	N/A	No action needed
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	No action needed
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	No action needed

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.

SMP Section	Summary of change	Discussion
Entire document	Spelling and grammar edits	Minor edits to spelling, grammar, and syntax throughout the document for clarity and cohesion. None of these changes alter the meaning or content of the text.

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