

April 21, 2021 Periodic Review

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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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
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Row	Summary of change	Review	Action
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	The 2017 City of Winlock Shoreline Master Program (SMP) prohibits boating and water access facilities in the shoreline jurisdiction (SMP Section 5.07 <i>Boating and Water Access Facilities</i> ).	No action is necessary.  Boating and water access facilities are prohibited in the City’s shoreline jurisdiction.
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> )	The 2017 SMP requires a Shoreline Conditional Use Permit for “dredging and dredge material disposal” and the City does not have any open water disposal sites managed by the Dredge Material Management Program (DMMP).	No action is necessary.  The City does not have any open water disposal sites managed by the Dredge Material Management Program (DMMP) that would be applicable to this program.
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	The City of Winlock has no marine restoring native kelp, eelgrass beds, or native oysters.	No action is necessary.  The natural marine conditions does not exist within the City and would not be feasible.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	The definition of “Substantial Development” in 2017 SMP includes the cost threshold for substantial development as \$6,416.00. (SMP Chapter 8 <i>Definitions</i> , SMP Page 118)	SMP amendment proposed.  Updated cost threshold for substantial development in definition of “Substantial Development” in 2021 Updated SMP to \$7,047.00 (SMP Chapter 8 <i>Definitions</i> , SMP Page 118).
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	The definition of “Development” in 2017 SMP does not exclude dismantling or removing structures if there is no other associate development or re-development. (SMP Chapter 8 <i>Definitions</i> , SMP Page 107).	SMP amendment proposed.  Updated definition of “development” to exclude dismantling or removing structures if there is no other associate development or re-development.

Row	Summary of change	Review	Action
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	The Department of Ecology’s revised rule addressing exceptions incorporated 2015 Legislative statutory exceptions for WSDOT projects that went into effect after the SMP was approved by Ecology in 2017. Other statutory exceptions in WAC 173-27-044 and WAC 173-27-045 were referenced in the SMP, but not specifically included among the list of permit-exemptions. (SMP Section 1.05 <i>Applicability</i> , SMP Page 9).	SMP amendment proposed.  Added new SMP Section 1.05(E) (1-5) with the example language from Department of Ecology checklist guidance document.
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	The 2017 SMP addresses permit filing procedures. (SMP Section 7.05.04 <i>Filing with Ecology</i> , SMP Page 97 and SMP Section 7.05.04 <i>Appeals of Decisions</i> , SMP Page 99)	No action is necessary.  The language in 2017 SMP Section 7.05.04 <i>Filing with Ecology</i> , and 2017 SMP Section 7.05.04 <i>Appeals of Decisions</i> , is consistent with the example language from Department of Ecology checklist guidance document
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 2017 SMP prohibits forest practices in the shoreline jurisdiction (SMP 5.09 <i>Forest Practices</i> , SMP Page 57).	No action is necessary.  Forest practices are prohibited in the City’s shoreline jurisdiction.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	The City of Winlock does not adjacent to any lands under exclusive federal jurisdiction.	No action is necessary.  City does not face questions about applicability of the SMP on land under exclusive federal jurisdiction.

Row	Summary of change	Review	Action
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	The 2017 SMP addresses nonconforming uses and development. (SMP Section 7.07 <i>Nonconforming Development</i> , SMP Page 100).	No action is necessary.  The language in 2017 SMP Section 7.07 <i>Nonconforming Development</i> , addresses the City’s tailored provisions for nonconforming uses and did not adopt WAC 173-27-080 by reference.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	The 2017 SMP addresses periodic reviews. (SMP Section 7.09.02 <i>Shoreline Master Program Review</i> , SMP Page 103).	No action is necessary.  The language in 2017 SMP Section 7.09.02 <i>Shoreline Master Program Review</i> addresses the scope and process for periodic reviews.
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 2017 SMP does not appear to have any provisions that would impede using this new optional amendment process.	No action is necessary.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	The 2017 SMP does not address submittal requirements for SMP amendments.	No action is necessary.  It is not necessary to include these provisions in local SMPs.
<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 2017 SMP cites the state law (WAC 173-27-040) for exemptions from the SMP. (SMP 7.04.04 <i>Shoreline Letters of Exemption</i> , SMP page 95)	No action is necessary.  The 2017 SMP cites the state law (WAC 173-27-040) for exemptions from the SMP.
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	The 2017 SMP incorporated the Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system. (SMP 4.04.02(A) <i>Critical Area Ordinance Adopted and Modified</i> , SMP page 27)	No action is necessary.  The language in 2017 SMP Section 4.04.02(A) <i>Critical Area Ordinance Adopted and Modified</i> addressed Ecology’s wetlands critical areas guidance.

Row	Summary of change	Review	Action
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	The 2017 SMP does not have this language.	No action necessary.  It is not necessary to include these provisions in the SMP.
2014			
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 Winlock has no floating on-water residences legally established before 7/1/2014.	No action necessary.  The use does not exist with the City, so no amendments are needed.
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	The 2017 SMP does not outline the appeal process for the SMP itself. Appeals for shoreline variances, conditional use permits, and substantial development permits are covered by the 2017 SMP.	No action is necessary.  The 2017 SMP does not need to outline the requirements for an appeal of the SMP itself, which are found in RCW 90.58.190.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The 2017 SMP addresses the requirement that wetlands be delineated consistent with the current edition of the federal wetland delineation manual and applicable regional supplements. (Section 4.04.02(A)(c) <i>Critical Areas Ordinance Adopted and Modified</i> , SMP page 28)	No action is necessary.  The language in 2017 SMP Section 4.04.02(A)(c) <i>Critical Area Ordinance Adopted and Modified</i> addresses this requirement.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	No sites suitable for geoduck aquaculture or saltwater tidelands exist within the City of Winlock.	No action is necessary.  The use does not exist within the City and would not be feasible.
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 Winlock has no floating on-water residences.	No action necessary.  The use does not exist with the City, so no amendments are needed.

Row	Summary of change	Review	Action
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming.</b>	The 2017 SMP addressed this option. (SMP Section 5.02.02(A) <i>Regulations</i> SMP Page 50).	No action necessary.  The language in 2017 SMP Section 5.02.02(A) <i>Regulations</i> addresses this option.
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	The 2017 SMP addresses this requirement. (SMP Section 1.08 <i>Consistency with the Growth Management Act</i> , SMP Page 12).	No action necessary.  The language in 2017 SMP Section 1.08 <i>Consistency with the Growth Management Act</i> addresses this requirement.
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 2017 SMP addresses this requirement. (SMP Section 6.06.02(I), SMP Page 82)	No action necessary.  The language in 2017 SMP Section 6.06.02(I) addresses this item
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks.</b>	The 2017 SMP does not address this rule in SMP Section 4.04.02(A) <i>Critical Areas Ordinance Adopted and Modified</i> , SMP Page 32.	Added the following as a new subsection Section 4.04.02(A) (6): “Credits from a certified mitigation bank may be used to compensate for unavailable impacts.”
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	The 2017 SMP does not address this issue. The City relies on upon the statute as written in State law.	No action necessary. The City relies on upon the statute as written in State law
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 2017 SMP addresses this in the definition of “Floodway”.(2017 SMP Chapter 8 <i>Definitions</i> , SMP Page 109).	No action necessary. Addressed in 2017 SMP Chapter 8 <i>Definitions</i> .
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 2017 SMP includes a list of streams and lakes that are within the City’s shoreline jurisdiction (2017 SMP Section 1.06 <i>Shoreline Jurisdiction</i> , SMP Page 10) as well as its official shoreline map.	No action necessary. Addressed in 2017 SMP 1.06 <i>Shoreline Jurisdiction</i> and the official shoreline map.

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
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 2017 SMP addresses this in 2017 SMP 6.06 <i>Restoration</i> : “Projects that qualify as streamlined fish enhancement projects per RCW 77.55.181 shall be considered under this section.” (2017 SMP Section 6.06 <i>Restoration</i> , SMP Page 80).	No action necessary.  Addressed in 2017 SMP 6.06 <i>Restoration</i> .

**Additional amendments**

<b>SMP Section</b>	<b>Summary of change</b>	<b>Discussion</b>
<b>6.01.01 Shoreline Modification Table</b>	Corrected footnote reference in Table 6-1 <i>Shoreline Modifications</i> , where reference to Note (4) in table should have been to Note (5).	SMP amendment proposed.  Corrected reference to Note.